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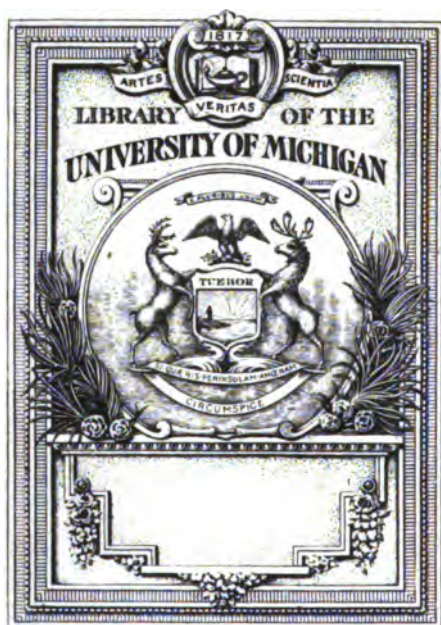
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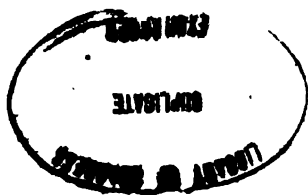
JOURNAL
OF THE
SENATE
OF THE
STATE OF NEW-YORK:
AT THEIR
EIGHTY-THIRD SESSION,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY, ON THE
THIRD DAY OF JANUARY, 1860.



ALBANY:
CHARLES VAN BENTHUYSEN, PRINTER TO THE LEGISLATURE,
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JOURNAL OF THE SENATE.

STATE OF NEW YORK:

SENATE CHAMBER, IN THE CITY OF ALBANY,

TUESDAY, JANUARY 3, 1860.

Pursuant to the sixth section of the tenth article of the Constitution of the State of New York, designating the first Tuesday of January, in each year, for the time of meeting of the Legislature, the Hon. Robert Campbell, Lieutenant Governor, and the following Senators, from the several districts of the State, appeared in the Senate, to wit:

<i>District Number One,</i>	Edward A. Lawrence.
<i>District Number Two,</i>	Thomas A. Gardiner.
<i>District Number Three,</i>	Francis B. Spinola.
<i>District Number Four,</i>	John McLeod Murphy.
<i>District Number Five,</i>	
<i>District Number Six,</i>	Benjamin F. Manierre.
<i>District Number Seven,</i>	Richard B. Connolly.
<i>District Number Eight,</i>	Hezekiah D. Robertson.
<i>District Number Nine,</i>	Robert Y. Grant.
<i>District Number Ten,</i>	Joshua Fiero, Jr.
<i>District Number Eleven,</i>	John H. Ketcham.
<i>District Number Twelve,</i>	Volney Richmond.
<i>District Number Thirteen,</i>	Andrew J. Colvin.
<i>District Number Fourteen,</i>	Joseph H. Ramsey.
<i>District Number Fifteen,</i>	Isaiah Blood.
<i>District Number Sixteen,</i>	Nathan Lapham.
<i>District Number Seventeen,</i>	Charles C. Montgomery.
<i>District Number Eighteen,</i>	James A. Bell.
<i>District Number Nineteen,</i>	William H. Ferry.
<i>District Number Twenty,</i>	Francis M. Rotch.
<i>District Number Twenty-one,</i>	Andrew S. Warner.
<i>District Number Twenty-two,</i>	Allen Munroe.
<i>District Number Twenty-three,</i>	Perrin H. McGraw.
<i>District Number Twenty-four,</i>	Lyman Truman.
<i>District Number Twenty-five,</i>	Alexander B. Williams.
<i>District Number Twenty-six,</i>	Thomas Hillhouse.

<i>District Number Twenty-seven,-----</i>	Samuel H. Hammond.
<i>District Number Twenty-eight,-----</i>	Ephraim Goss.
<i>District Number Twenty-nine,-----</i>	Peter P. Murphy.
<i>District Number Thirty,-----</i>	David H. Abell.
<i>District Number Thirty-one,-----</i>	Erastus S. Prosser.
<i>District Number Thirty-two,-----</i>	Walter L. Sessions.

- The Senators having taken and subscribed the constitutional oath of office, the President declared the Senate organized and ready to proceed to business.

Mr. Munroe offered the following resolution :

Resolved, That James Terwilliger be, and he is hereby appointed Clerk of the Senate.

Mr. Spinola moved to amend the resolution, by striking out the name of "James Terwilliger" and inserting that of "Daniel A. Manning."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative, as follows :

~~FOR THE AFFIRMATIVE.~~

Blood	Connolly	Lawrence	J. M. Murphy	Spinola	7
Colvin	Gardiner				

FOR THE NEGATIVE.

Abell	Hammond	Manierre	Ramsey	Sessions	
Bell	Hillhouse	Montgomery	Richmond	Truman	
Ferry	Ketcham	Munroe	Robertson	Warner	
Fiero	Lapham	P. P. Murphy	Rotch	Williams	
Goss	McGraw	Prosser			28

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lapham offered the following resolution :

Resolved, That James C. Clark be, and he is hereby appointed Sergeant-at-Arms of the Senate.

Mr. Spinola moved to amend by striking out the name of "James C. Clark" and inserting the name of "Felix McClusky."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Connolly	Lawrence	J. M. Murphy	Spinola	7
Colvin	Gardiner				

FOR THE NEGATIVE.

Abell	Hammond	Manierre	Ramsey	Sessions	
Bell	Hillhouse	Montgomery	Richmond	Truman	
Ferry	Ketcham	Munroe	Robertson	Warner	
Fiero	Lapham	P. P. Murphy	Rotch	Williams	
Goss	McGraw	Prosser			28

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Ketcham offered the following resolution :

Resolved, That George H. Knapp be, and he is hereby appointed Assistant Sergeant-at-Arms of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Ramsey offered the following resolution :

Resolved, That Peter Kilmer be, and he is hereby appointed Door-keeper of the Senate.

Mr. Lawrence moved to amend the resolution, by striking out the name of "Peter Kilmer" and inserting the name of "Alexander Ward."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Rotch offered the following resolution :

Resolved, That Charles Johnson be, and he is hereby appointed First Assistant Doorkeeper of the Senate.

Mr. Gardiner moved to amend the resolution, by striking out the name of "Charles Johnson" and inserting the name of "Andrew Cunningham."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Connolly	Lawrence	J. M. Murphy	Spinola	7
Colvin	Gardiner				

FOR THE NEGATIVE.

Abell	Hammond	Manierre	Ramsey	Sessions	23
Bell	Hillhouse	Montgomery	Richmond	Truman	
Ferry	Ketcham	Munroe	Robertson	Warner	
Fiero	Lapham	P. P. Murphy	Rotch	Williams	
Goss	McGraw	Prosser			

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Fiero offered the following resolution :

Resolved, That John H. France be, and he is hereby appointed Second Assistant Doorkeeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Goss offered the following resolution :

Resolved, That Caspar Walter be, and he is hereby appointed Third Assistant Doorkeeper of this Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Warner offered the following resolution :

Resolved, That the Lieutenant Governor be, and he is hereby authorized to make the remaining appointments, not provided for by election, and that the places to be filled, be the same of the last Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Prosser offered the following resolution :

Resolved, That a committee of two be appointed by the President to wait upon the Governor, and inform his Excellency that the Senate is now organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Ordered, That Messrs. Prosser and Connolly, be said committee.

Mr. Lawrence offered the following resolution :

Resolved, That a committee of two be appointed by the President to wait upon the Assembly, and inform them that the Senate is organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Ordered, That Messrs. Lawrence and Ketcham be said committee.

Mr. Prosser, from the committee appointed to wait upon the Governor, reported that they had performed the duty assigned them, and that His Excellency was pleased to say that he would communicate to the Senate in writing.

Mr. Hammond offered the following resolution :

Resolved, That when the Senate adjourns it will adjourn to meet daily, at 11 o'clock A. M., until otherwise ordered.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Ramsey offered the following resolution :

Resolved, That the Clerk of the Senate be directed to invite the clergymen of the city of Albany, who have charge of religious congregations, to open the daily sittings of the Senate with prayer, and to attend in such order as shall best suit their convenience.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Sessions offered the following resolution :

Resolved, That the Clerk of the Senate make the usual arrangements for the payment of postage on all papers received by, and sent out; also on all public documents sent out by Senators and officers during the session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Spinola offered the following resolution :

Resolved, That the Clerk of the Senate be, and he is hereby authorised to furnish each Senator and officer of the Senate, with one copy of the Civil List.

On motion of Mr. Ramsey, said resolution was laid on the table.

Mr. Williams offered the following resolution :

Resolved, That the rules of the Senate, adopted at its last session, be in force until otherwise ordered.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Colvin offered the following concurrent resolution :

Resolved, (if the Assembly concur,) That the joint rules of the Senate and Assembly, which were in force at the last session of the Legislature, be adopted for the government of the two houses during the present session.

Ordered, That said resolution be laid on the table.

Mr. Truman presented a petition of inhabitants of Tioga county,

for the extension of the Chenango canal to the Pennsylvania State line, which was read and referred to the committee on canals.

Mr. Manierre presented a petition of James S. T. Stranahan and others, wharf and ship owners, for the passage of an act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips, in the cities of New York and Brooklyn, which was read and referred to the committee on commerce and navigation.

Mr. Lawrence gave notice that he would, at an early day, ask leave to introduce a bill to amend the first section of the act relative to disputed wills, passed April 15, 1853.

Mr. Ketcham gave notice that he would, at an early day, ask leave to introduce a bill to repeal an act passed April 14, 1859, entitled "An act to equalize the State tax in the several counties."

Mr. Spinola gave notice that he would, at an early day, ask leave to introduce a bill to amend the law establishing a permanent board of water commissioners in the city of Brooklyn.

Also, a bill to amend the law in relation to local assessments in the city of Brooklyn.

Also, a bill to charter a University in the city of Brooklyn.

Also, a bill to establish the rate of ferriage between New York and Brooklyn, at one cent.

Also, a bill to reorganize the police department of the city of Brooklyn.

Mr. Lawrence gave notice that he would, at an early day, ask leave to introduce a bill to repeal the act of the last Legislature known as the "registry law."

Mr. Truman gave notice that he would, at an early day, ask leave to introduce a bill to provide for the extension of the Chenango canal to the Pennsylvania line, at Athens.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the village of Catskill.

Mr. Ferry gave notice that he would, at an early day, ask leave to introduce a bill to amend the act authorizing notaries public to exercise the powers and duties of commissioners of deeds.

Also, a bill for the protection of side-walks along highways.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act in relation to the town meeting in the town of Chateaugay, in the county of Franklin."

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the city of Syracuse.

Mr. John McLeod Murphy gave notice that he would, at an early day, ask leave to introduce a bill to establish in the city of New York, a reformatory school for the reclamation of juvenile delinquents.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill legalizing the acts of notaries public for the last year.

Mr. Gardiner gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act for the consolidation of the cities of Brooklyn and Williamsburgh."

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act in relation to the fees of the county treasurer of the county of St. Lawrence."

On motion of Mr. Ketcham, the Senate took a recess for thirty minutes.

ONE O'CLOCK.

The Senate again met.

Mr. Lawrence, from the committee appointed to wait upon the Assembly and inform them that the Senate was organized and ready to proceed to business, reported that they had performed the duty assigned them.

Messrs. Van Horn and Varian, a committee from the Assembly, appeared and announced that that body was organized and ready to proceed to business.

Mr. Geo. Bliss, Jr., Private Secretary of the Governor, appeared in the Senate chamber and presented the annual message of the Governor, which was read by the Clerk, as follows :

To the Senate and Assembly:

It is especially incumbent upon all who are engaged in public affairs to acknowledge their dependence upon the Author of all good, and to supplicate His favor and blessing. Let us, therefore, in proceeding to the discharge of the highly responsible trusts which have been committed to us, invoke His divine aid that He will crown with success all the efforts that shall be made in any department of the government for the material, intellectual, and religious improvement of the people.

Conforming my action to a requirement of our written Constitution, I now proceed to communicate to the Legislature the condition of the State, and to recommend the adoption of such measures as I deem expedient.

The funded debt of the State now amounts to....	\$33,313,338	85
Of which	6,505,654	37
is the General Fund Debt, and	26,807,684	48
is the Canal Debt.		

The Canal Debt, paying interest, is as follows :

1. The debt referred to in article seven, section one of the Constitution, being the debt in existence at the adoption of that instrument and to the payment of the principal and interest of which the surplus revenues of the canals to the amount of \$1,700,000 annually are devoted,\$11,665,098 99
2. The debt contracted in 1854, in pursuance of the amendment to article seven, section three of the Constitution, 12,000,000 00
3. The debt contracted at sundry periods since 1849, to meet casual deficits, in pursuance of article seven, section ten of the Constitution, 642,585 49

4. The new loan, contracted in pursuance of the vote of the people at the election in November last, to pay the floating debt,.....	\$2,500,000 00
This loan of two millions five hundred thousand dollars has been, or will be, applied to the payment:	
Of Canal Commissioners' drafts,.....	\$2,041,831 29
Canal Commissioners' certificates issued prior to September 30, 1859,.....	170,788 60
Awards made by Canal Appraisers prior to January 1, 1859, for which drafts and certificates had not been given on September 30, 1859,....	59,595 57
Balance of fifteen per cent, retained after deducting amount for which drafts and certificates have been given,.....	311,004 64
	<hr/>
	<hr/>
	<hr/>
	\$2,583,220 10

The premium obtained on the loan, which is an average of 5.18 per cent for a six per cent stock, and which amounts, in the aggregate, to one hundred and twenty-nine thousand seven hundred and thirty-four dollars and fifty cents, will be sufficient, if so applied, to pay the excess of indebtedness over the two million five hundred thousand dollars, and thus to extinguish entirely the floating indebtedness of the State.

The popular vote by which this new loan was authorized is such as to show that while the people of New York have ever been prompt to meet all just obligations, they will not be likely again to sanction the payment of any debt not authorized by the Constitution and the laws, no matter for what purpose, or under what circumstances incurred. The act of April 6, 1859, which prohibits the creation of any similar obligations in future, doubtless contributed much to induce the people to authorize the payment of those which existed. The provisions of that law might, in my opinion, properly be extended so as to affix a penalty to the creation of any such indebtedness in future. This would effectually carry out the constitutional prohibition, and prevent the people of the State from ever again being placed in the dilemma of paying an unauthorized debt or seemingly incurring the stain of repudiation.

The interest on the Canal Commissioners' drafts has been paid to the first of July, 1859. Provision should be made for that which accrued from that date to the 26th of December, the day named by the Auditor for the payment of the principal.

The whole amount of receipts from tolls, rent of surplus waters and interest on current canal revenues during the year ending September 30, 1859, was one million eight hundred and fifty-nine thousand eight hundred and seventy-nine dollars and sixty-three cents, against two million seventy-two thousand, two hundred and two dollars and eighty-eight cents, the previous year. The

expenses were eight hundred and ninety-seven thousand eight hundred and seventy-eight dollars and ninety-six cents, against one million seventy-eight thousand eight hundred and seventy-eight dollars and ninety-one cents the previous year.

Receipts from tolls:

Erie canal,	\$1,549,205 86
Champlain canal,	103,654 79
	<hr/>
	\$1,652,860 65
Oswego canal,	69,348 37
Cayuga and Seneca canal,	17,449 54
Chemung canal,	16,868 66
Crooked Lake canal,	715 06
Chenango canal,	17,801 72
Black River canal,	5,963 02
Genesee Valley canal,	28,163 93
Oneida Lake canal,	701 41
Baldwinsville canal,	26 03
Oneida River improvement,	2,044 64
Seneca River towing-path,	163 82
Cayuga inlet,	173 95
	<hr/>
	\$1,812,280 80
From rent of surplus waters,	2,081 67
From interest on current canal revenues,	45,517 16
	<hr/>
	\$1,859,879 63
	<hr/>

The payments were:

To superintendents, for repairs,	\$465,911 92
To contractors, for repairs,	163,668 59
To Canal Commissioners, for rep'rs, &c,	155,265 79
To collectors, for salaries, clerk hire, pay of assistant collectors, and expenses of collector's offices,	63,287 00
To weighmasters,	6,295 93
For salary of Auditor and clerk hire in Canal Department, salary and extra clerk hire of State Engineer, refunding tolls, printing and miscellaneous payments,	\$43,449 73
	<hr/>
	\$897,878 96
Surplus revenues,	962,000 67
By decreasing the expenses of operating them, and by some advance in the rate of tolls, the canals can be rendered much more productive.	
The cost of superintendence and repairs, for the last five years, has been as follows:	
1855,	\$887,934 46
1856,	669,406 16
1857,	817,906 26

1858,	\$946,805 18
1859,	784,846 30
	<hr/>
	\$4,106,898 36
Average for five years,	821,379 67

On the 1st of April, 1859, the Contracting Board put under contract for repairs all those portions of the canals which were not so already. They were let at a sum which makes the aggregate cost for repairs amount to two hundred and fifty-two thousand two hundred and ninety-two dollars a year, and twenty thousand dollars for superintendence. This, it will be seen, is a very great decrease, compared with the expenses of the five preceding years. There is, however, reason to believe that several of the sections have been let for a less sum than they should have been, to enable the contractors to do perfect justice to the State without loss to themselves. After the canals are completed, I think there is no doubt that the repairs, which include lock-tending, may all be done for five hundred thousand dollars a year, and the water-ways and structures be maintained in as good condition, in every respect, as when the contracts are made.

In 1851 the canal tonnage was... 3,582,733 Tolls, .. \$3,703,999
 In 1852 the canal tonnage was.. 3,863,441 " .. 3,174,857

Gain,	280,708	Loss, ..	\$529,142
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The tolls were reduced in the winter of 1852 to meet the railway competition anticipated from the release of the tolls on railroads by the act of 1851. The tonnage carried in 1852 would, upon the rates of toll as they were in 1851, have given a revenue of four million dollars. The canal tonnage has never been less than that of 1851, except in 1857, when it was three million three hundred and forty-four thousand, sixty-one dollars, or two hundred and thirty-eight thousand, six hundred and seventy dollars less. In 1853 the tonnage was four million two hundred and forty-seven thousand eight hundred and fifty-three, and the tolls were three million one hundred and sixty-two thousand one hundred and ninety dollars on the reduced rates of 1852. At the rates of 1851, the tolls on the tonnage would have been four millions five hundred and two thousand seven hundred and sixteen dollars.

In 1857, the tonnage was 3,344,061
 and the tolls were, \$2,531,804 00
 In 1858, the tonnage was 3,665,192
 and the tolls were, 2,047,391 00

Gain,	321,131	
Loss,		\$484,413 00

The tolls were reduced in the winter of 1858, thirty-three and one-third per cent, on agricultural products, and fifty per cent on

merchandize. In 1859 there was a further reduction of fifty per cent on merchandize and non-enumerated articles, and thirty-three and one-third per cent on most agricultural products. The tonnage for the year 1859 has not yet been ascertained. It will probably be equal to that of 1857. The tolls for the fiscal year of 1859 were one million, eight hundred and twelve thousand, two hundred and eighty dollars, and eighty cents. The canal tonnage of 1858, at the rate of toll as fixed in 1857, would have given a revenue of two million, seven hundred and fifty-two thousand, nine hundred and twenty-five dollars. So that it is seen the State has lost over one million dollars in the reduction of tolls in 1858 and 1859.

The theory advanced by those who favor the reduction is, that transit on the canals must be cheapened to retain the traffic and protect the treasury against railroad competition within the State. This may be true, to a limited extent, and to that extent the State has complete power to apply an effectual remedy. The spirit of the Constitution, undoubtedly requires that such rates of toll shall be imposed as will yield the largest amount of revenue. In 1858, the "surplus revenues" of the canals were one million, seven hundred and sixty-six thousand, six hundred and seventy-four dollars less than the annual constitutional charges upon them, and in 1859, the deficiency will reach one million, nine hundred and eighty thousand, one hundred and fifty dollars, making three million, seven hundred and forty-six thousand, eight hundred and twenty-four dollars, which has been or must be supplied by loans and taxes. The railroad competition is directed mainly to the through traffic. Of the freight carried on the canals, there is only one ton of through to two tons of way freight, and when the tolls are reduced on one million of tons of competing freight, the same reduction is made on two millions of tons of non-competing freight, showing clearly that the treasury does not thereby receive the largest amount of revenue. Is not the conclusion unavoidable, that competition has induced a much greater reduction of tolls than was necessary to retain the business of the lake countries to our avenues of transit and our commercial metropolis? I am of the opinion, that the reductions of the years 1858 and 1859 were inexpedient, and that the rates on most articles, should be raised nearly to those which existed prior to such reductions.

Nothing, however, will so effectually increase the revenues of the canals as their entire and speedy completion, for which it is estimated there is needed the sum of..... \$1,280,540 37 exclusive of land damages, which are also estimated at..... 700,000 00

Making the total sum necessary,..... \$1,980,540 37
Of which three hundred and twenty-one thousand, five hundred and seventy-one dollars is already applicable to the purpose, leaving a balance to be provided of one million, six hundred and fifty-

eight thousand, nine hundred and sixty-nine dollars, and thirty-seven cents.

It cannot be denied that there have been mistakes in the past, arising in part from erroneous estimates, in consequence of which a larger debt than was necessary has been created for the enlargement of the canals, and their completion has been unduly postponed. The result has been to impose a heavy burden upon the people without their having thus far derived all the benefit which they anticipated. These mistakes are, however, matters of the past, important to us only from the responsibilities and duties they impose upon us.

The canals are to remain the property of the State. Their sale, inexpedient at any time, even if permitted by the Constitution, would be doubly so at a period when, by unwise legislation and uncontrolled competition, their revenues have been reduced to the lowest point, and when their completion, now so soon to be realized, will enable us to reap the fruits of the sacrifices and expenditures hitherto made. It is both practicable and advisable to entirely complete them before the opening of navigation in 1861, and to obtain on the Erie and Oswego canals the full water-way of seven feet in depth by seventy in width before the opening of navigation the present year. I strongly urge that this be done, even if it should be necessary to delay the opening for the passage of boats a few days longer than ordinary.

The amount of interest on the debt which the Legislature has annually to provide, is as follows:

On the new Canal Debt of \$12,000,000, contracted in 1854,	\$710,000 00
On the General Fund Debt, chargeable to the Sinking Fund,	354,606 10
On the several loans contracted to meet casual deficits for canal purposes,	34,629 28
On School and Gospel Fund for Stockbridge Indians,	2,160 00
	<hr/>
	\$1,101,395 38

The interest on the old Canal Debt is provided for by the surplus revenues of the canals, but, under the Constitution, what remains of those revenues, after paying such interest, goes to the Sinking Fund for the redemption of the principal. The law under which the recent loan of two millions five hundred thousand dollars was made, provides for the levying of a tax sufficient to pay the interest and the contribution to the Sinking Fund to redeem the principal.

There is then needed:

For the completion of the canals,	\$1,658,969 37
For the payment of interest on the debt not otherwise provided for,	1,101,395 38
For the expenses of government beyond estimated permanent revenue,	1,200,000 00
	<hr/>
Total,	\$3,960,364 75

Of the amount needed to complete the canals, however, not more than one-half can be advantageously expended during the year. Deducting, therefore, eight hundred and twenty-nine thousand four hundred and eighty-four dollars and sixty-eight cents from the above aggregate, we have three million, one hundred and thirty thousand, eight hundred and eighty dollars, and seven cents, as the amount to be raised to meet the current expenses of the year, to which must be added such extraordinary appropriations, if any, as are made by the present Legislature. The General Fund account was deficient about fifteen thousand dollars at the end of the last fiscal year.

It will also become your duty to provide for the repayment of advances by the Manhattan Company for interest on the stock issued in 1854, and for other amounts becoming due thereon, unless the Commissioners of the Canal Fund shall make a loan for the purpose. The whole amount required will be seven hundred and ten thousand dollars.

The system of economy and retrenchment, which was vigorously entered upon by the Legislature of 1859, should be continued, and the expenses of every branch of the government reduced to the lowest point consistent with efficiency. While judicious appropriations should be made for the charities which usually depend in a measure upon the assistance of the State, and which are not in a condition to dispense with it at present, new objects of expenditure, however proper and deserving, should be delayed till our canals are completed, taxation for the payment of interest ceases to be necessary, our various sinking funds are brought into a healthy condition, and the General Fund is made to present a working balance instead of a continued deficiency. But especial care should be taken to incur no expense and make no appropriations without providing the money to pay them. The propriety of such a system must be manifest to all. New-York possesses resources and revenues independently of taxation, which are adequate to the payment of the interest and principal of all her existing debts, if not to the support of her government, and it only requires a just and faithful administration of her affairs to secure that result.

Prior to the year 1844, there were great differences in the position of the railroads with reference to the transportation of merchandize. While some of them were allowed to carry it during the entire year without limitation, others were permitted to do so only when the canals were closed and on payment of tolls, while one, at least, was absolutely forbidden to carry freight at all. In 1844, however, an approach to a more uniform system was made by giving to all roads that did not previously possess it the right to transport freight during the suspension of canal navigation, and by requiring all the railroads along the line of the Erie and Oswego canals to pay the same rates per mile on freight transported over them as it would have paid if carried on the canals. In 1847 all railroads along the central line were permitted to carry

freight the entire year, and required to pay tolls. In 1850 the same provisions were, by the general railroad act, made applicable to all railroads running parallel to and within thirty miles of any canal. In 1851 all tolls were abolished upon freight carried over railroads, under the expectation that the revenues from the enlarged canals would prove adequate to the payment of the interest upon the canal debt.

During the time that tolls were imposed upon the railroads the amount received from them by the State steadily increased from ten thousand, four hundred and fifty-eight dollars and forty-four cents, in 1845, to one hundred and sixty-three thousand, two hundred and thirty-seven dollars and twenty-cents, in 1851. On the through freight carried the whole length of the line of the Central railroad in 1857, the tolls, at the two mill rates, would have been four hundred and twelve thousand, nine hundred and fifty-six dollars and fifty-seven cents, and in 1858, four hundred and forty-thousand, four hundred and ninety-five dollars and twenty-eight cents. On the through freights, carried over the New York and Erie railroad in 1857, the tolls at the same rate would have been about three hundred and fifty thousand dollars.

Since 1851 the tolls received from the canals have steadily decreased from three millions, seven hundred and three thousand, nine hundred and ninety-nine dollars and thirty-one cents, the amount in 1851, to one million, eight hundred and twelve thousand two hundred and eighty dollars and eighty cents, the amount in 1859, though the tonnage has remained about the same, having been three million, five hundred and eighty-two thousand, seven hundred and thirty-three tons in 1851, and three million, six hundred and sixty-five thousand, one hundred and ninety-two in 1859. The loss in tolls has been caused by the diversion from the canals to the railroads of a large portion of those classes of freight, which formerly paid high tolls and which the heavy reductions in canal tolls failed to retain, while the tonnage of the canals has been maintained by the increase in those classes of heavy freight which the railroads cannot profitably transport. Examination shows that the tonnage of the railroads is largely in excess on all classes of freight, except the products of the forest and vegetable food, and that even in the latter class the railroads are gaining rapidly.

If, therefore, the constantly increasing amount of freight carried over the railroads has occasioned a corresponding diminution of our canal revenues until the interest on the canal debt formerly paid from these revenues, has now to be drawn by direct taxation from the people, is there not an imperative necessity for protective legislation? I cannot doubt either the wisdom or the justice of re-imposing; for a few years, a moderate toll per ton, during the season of navigation, upon all freight passing over railroads competing with the canals, or of requiring these roads to pay an aggregate equivalent in money, annually, into the treasury. When the canals shall have been completed the railroads should be re-

lieved from a burden temporarily imposed, so that commerce may have the advantage of the quickest and cheapest means of transit for merchandise and produce to and from the vast and bountiful west.

The number of convicts in the prisons of the State on the 1st days of October in the years 1859 and 1858, with the number of cells in each prison, was as follows:

	1859.	1858.	Cells.
Sing Sing, males,	1,092	968	991
Sing Sing, females,	136	104	81
Auburn, males,	811	696	770
Clinton, males,	447	358	390
Total,	<u>2,486</u>	<u>2,126</u>	<u>2,232</u>

The average number of convicts per day in each prison during the past year, has been, at Sing Sing, males, one thousand and fifty-five; females, one hundred and twenty-three; Auburn, seven hundred and eighty-seven; Clinton, about four hundred and three. The average number of re-commitments at Sing Sing, for seven years past, has been twelve per cent. of males, and five and a half per cent of females; indicating that our prisons are to a greater extent reformatory institutions than has been supposed.

The expenses for the year ending September 30, 1859, were:

Sing Sing, males,	\$119,416 07
do females,	9,023 87
do total,	\$128,439 94
Auburn,	79,875 07
Clinton,	71,018 67
Total expenses,	<u>\$279,333 68</u>

Of this sum there was expended for buildings and repairs, nine thousand seven hundred and ninety-nine dollars and sixty-seven cents at Sing Sing; seven thousand two hundred and thirty-seven dollars and forty-six cents at Auburn, and three thousand nine hundred and fifty-six dollars and thirty-six cents at Clinton.

The earnings during the same period were:

Sing Sing,	\$96,649 13
Auburn,	72,683 33
Clinton,	21,579 06
	<u>\$190,911 52</u>

Making an excess of expenditures over earnings at

Sing Sing,	\$31,790 81
Auburn,	7,191 74
Clinton,	49,439 61

Or in all, \$88,422 16
against \$234,290 01 in 1858.

The average cost of maintenance of each convict per month,

including everything but building and repairs, is, at Sing Sing, eight dollars and thirty-one cents; Auburn, seven dollars and sixty-eight cents; Clinton, thirteen dollars and eighty-six cents. It affords me gratification to say that there is a marked improvement in the management of the prisons, the effects of which will be even more obviously seen during the fiscal year commencing October 1, 1859. Indeed, there is reason to believe that the time is not distant when the prisons will, as they should, cease to be a drain upon the treasury. The salaries of the Agent and Wardens is wholly disproportioned to the services rendered by them, and the responsibility imposed upon them, and I recommend that it be increased.

Sing Sing is the only prison where females are received, and the average expense of that prison is therefore necessarily increased. It is worthy of your consideration whether it would not be proper so to change the law as to provide that females convicted of crimes involving imprisonment for brief periods should be sent to the penitentiaries instead of the State Prison. Whether this is or is done, there is not an obvious propriety in providing for keeping the expenses and receipts of the female prison by themselves.

The disproportionate cost of maintaining the prison at Dannemora, in Clinton county, shows that its original design and location there was an error. It was constructed under the expectation that convict labor could be profitably employed in the mining of ore and the manufacture of iron; and this has been almost the only branch of manufacture pursued there. Experience has shown that it is impossible to excite sufficient competition among contractors in this business to procure a just price for convict labor, and that the labor itself is of necessity hard, repulsive, and unproductive to the convict, and not remunerative to the State. The only possible remedies are to remove or abandon the prison, or to introduce more productive branches of manufacture. Deeming the former course entirely inexpedient, the commissioners appointed under the act of April 18, 1859, to provide additional accommodations for convicts (consisting of the Governor, Lieutenant-Governor and Comptroller), unanimously decided, after mature consideration and a careful examination of the several prisons, to enlarge Clinton prison by the extension of the present building, so as to give one hundred and fifty-six new cells. This enlargement is now nearly completed and will cost about thirteen thousand dollars. It enables the State to introduce other branches of business, while continuing during the existence of the present contracts, the manufacture of iron. Contracts have already been made for the employment in other branches of manufacture of all the convicts that the State can furnish at that prison. It was hoped that it would be unnecessary to provide further prison accommodations at present, but the constantly increasing number of convicts now renders it necessary that one or both of the other prisons should be enlarged, or a new prison constructed within a short time.

Under the act of April 18, 1859, about fifty acres of the farm connected with the prison at Sing Sing have been sold for the sum of thirty-four thousand two hundred and thirty-three dollars and eleven cents, which sum has been paid into the treasury; but by the law authorizing the sale it can be used only for buildings and improvements at that prison. That portion of the farm through which the Croton aqueduct passes, was, by request of the Aqueduct Board, withheld from sale that some arrangement might be made in reference to it.

The Asylum for Insane Convicts at Auburn is now substantially completed and in full operation. Fifty-nine patients have been received during the year, and six discharged. The expenses for the year ending October 31st, 1859, were seventeen thousand eight hundred and fifty-nine dollars and eighty-five cents, of which five thousand three hundred and ninety-four dollars and forty-one cents were for buildings, repairs and miscellaneous items not likely to occur again. The asylum has room for sixty-four inmates. The establishment of a separate institution for insane convicts is to a certain extent an experiment, but there is reason to believe it will prove successful. The excellence and completeness of the accommodations make the support of its inmates a source of considerably increased expense.

The commissioners named in the act of April 18, 1859, to settle the account of Jacob D. Kingsland against the Clinton prison, met to enter upon the duties assigned them, supposing that the claim was of a nature and amount to be readily adjusted. They, as well as the agent and warden of the prison, were surprised to find that a claim was presented for one hundred and three thousand eight hundred dollars, which involved matters of evidence and detail that could not be properly examined in the brief period then allowed by law. Under these circumstances the agent and warden, acting under the advice of the Attorney General, very properly revoked the submission entered into for the settlement of the claims. After this one of the commissioners declined to meet with his colleagues. As the law expressly required that all the commissioners should meet, there was no power in the remaining two to act. The two, however awarded that the State should pay Mr. Kingsland fifty-nine thousand, two hundred and thirty-nine dollars and sixty-one cents. I believe the award is both excessive and invalid, and that the whole matter should be again passed upon by the Legislature.

The commissioners appointed by the Governor, in pursuance of the act of April 16, 1859, referring the claim of Eli Chittenden and others, known as the Averill ore bed claim, have also met and acted upon the matter submitted to them. They decided that a purchase of property claimed to have been made by the State in April, 1856, for one hundred thousand dollars, was invalid, and awarded that the State pay to the claimants thirty-five thousand dollars. The claim presented was for the purchase money with interest, or for damages, amounting to one hundred and sixty

five thousand dollars, while the State admitted a considerable indebtedness. The award is by its terms binding and final upon all parties, it is believed to be just to the claimants, and advantageous to the State, as it extinguishes a large claim and terminates a long protracted controversy.

Most of the expense of administering justice in criminal cases is now borne by the counties within which the crime is committed and the conviction had, but the expense of transporting convicts to the State prisons, of bringing back criminals from other States on requisitions, and of employing counsel to assist the district attorneys in the trial of criminals, has remained a charge upon the treasury of the State. The transportation of convicts costs the State annually about twenty-five thousand dollars. A large portion of the criminals are convicted at a few centres of population and trade, while the expense of transporting them is charged equally upon the people of the entire State. It would be difficult to assign any good reason why each county should not pay the expense of transporting its own convicts, as well as the cost of arresting and detaining them before trial. If this expense was made to fall upon the counties, there can be no doubt that it would both diminish the aggregate cost and reform existing abuses. The practice I have adopted of ordinarily granting requisitions only at the expense of the county or the complainant, has much lessened the cost of reclaiming fugitives from justice. Some amendment of the law is needed, though the counties have usually been willing to assume the expense.

Applications have been made to me from time to time to require the attendance of the Attorney General at criminal trials, which I have felt compelled to refuse. The duties of that officer do not usually permit him to attend in person, and he must employ some one in his place. Considerable expense is thus imposed upon the State which properly belongs to the counties. The power to require the attendance of the Attorney General on important occasions should remain, but it should be placed under stricter limitations than at present, and be accompanied by the right to impose the expense upon the county. It is worthy of consideration whether the power which the Attorney General possesses of employing counsel at the expense of the State, does not require some limitation.

The examination of the very numerous applications for pardon is one of the most onerous and embarrassing duties of the Executive. Entertaining a profound sense of the responsibility imposed upon me, I have endeavored to discharge this duty understandingly and faithfully, and have taken more than usual pains to ascertain the merits of each application, but I have granted pardons in the cases of two or three convicts, in which subsequent information has satisfied me that the ends of justice would have been better answered by their continuance in prison. In no case has a pardon been granted without previously communicating with the district attorney of the county in which the conviction

was had, and obtaining a full knowledge of the evidence given on the trial as well as his views of the case, though the necessity of awaiting the replies often entails great delay. I have, during the past summer, visited all the State prisons, and spent two or three days at each in personally examining convicts who had previously applied for pardon, amounting to one hundred and sixty-nine. To each one about fifteen minutes were devoted, which was found sufficient to enable the prisoner to tell his own story and to answer any questions I thought proper to put to him. A record of the statements made, and facts elicited in each case, was placed on file in the Executive Department. Besides those who had previously applied for pardon I examined at the prisons in the same way two hundred and three convicts, who from want of friends or the proper opportunity had not previously sought clemency, paying particular attention to those whose length of sentence and good conduct in prison commended them to notice. The total number examined at the prisons was three hundred and seventy-two. On entering upon the duties of my office I found three hundred and ten applications for pardon awaiting decision. There have since been received four hundred and seventy-seven. Five hundred and thirty-nine cases have been decided, including all but fourteen of the cases found there on January first. I have granted eighty-four pardons and eight commutations, besides four reprieves. I have refused pardons in four hundred and forty-two cases, and the sentences of one hundred and thirty expired before any decision was made; while eight died, escaped or were discharged by legal process. Of the pardons granted forty-four were cases of new applications; thirty-nine were cases found on file on January first. I examined the prisoners personally in the cases of fifty-two of the pardons granted, being nearly all those granted to convicts in State prison. The convicts in two hundred and thirty-seven of the cases where pardon was denied, were also personally examined. There now remain undecided one hundred and eighteen applications, awaiting the replies of the district attorneys, which are in some cases unwarrantably delayed. The larger portion of these are cases where the conviction took place in the city of New York. One person has been executed during the past year, and the punishment of two has been commuted from death to imprisonment for life, solely on the ground of insanity. Five persons are now under sentence of death. In seven cases a restoration to the rights of citizenship has been granted. The report required by the Constitution will be submitted to you, and to that I refer you for further information.

In examining applications for pardon, I have been much embarrassed from inability to procure the requisite information. I have the power to call upon district attorneys for a statement of the facts proved on the trial, but in many cases the officer who procured the conviction is out of office, has left the State, or is dead, and no minutes of the testimony have been preserved. Prosecuting officers should be required to file, in the county clerk's office, the minutes of evidence taken by them.

The experience acquired in performing this portion of my duties, has given me abundant evidence that our criminal law greatly needs amendment. As concerns the length of the sentences, and the place of punishment, far more discretion should be given to the judges. The county prisons and penitentiaries should, in many cases, be selected, rather than the State prisons. The punishments the law imposes upon technical offences, are often far beyond that which the actual crime merits, and as a general thing the terms should be shortened, and more reliance be placed upon the certainty than the duration of punishment.

In capital cases, applications for pardon or commutation are sometimes based upon the alleged insanity of the convict, and it is then desirable that some disinterested person, skilled in detecting the various forms of that disease, should be commissioned to visit the prison and make a careful examination of the mental condition of the criminal. For this and other purposes connected with the exercise of the pardoning power, a small annual appropriation should be made.

The report of the Superintendent of the Banking Department, which will soon be presented to you, will exhibit in detail the operation of our banking system during the past year. It appears that during the fiscal year three associations and three individual bankers have commenced, and one individual banker has discontinued the business of banking. The total amount of securities held in trust for banking associations and individual bankers on the thirtieth day of Sept. 1859, was twenty-eight million, sixty-eight thousand, three hundred and thirty-six dollars and ninety-two cents:

Consisting of bonds and mortgages,.....	\$6,176,912 79
New York State stocks,	19,262,035 93
United States stocks,.....	1,864,100 00
Other State stocks,	686,733 34
Cash on deposit,.....	\$78,554 86
On the faith of these securities there has been issued a circulation of,	\$26,490,632 00
The amount of circulation issued to banks doing business under special charter is,	10,090,644 00
Total circulation,.....	\$36,581,276 00

The total amount of banking capital employed is one hundred and ten million, nine hundred and ninety-seven thousand and forty dollars, being an increase of one million and four hundred and ninety dollars during the year.

The school system of the State continues under the direction of the present Superintendent of Public Instruction, to increase in value and efficiency.

The expenditures of the year ending September 30, 1859, were	
For teachers' wages,	\$2,443,184 80
For libraries and school apparatus,.....	156,326 37

For colored schools,.....	24,364 00
For school houses, sites and repairs,.....	724,292 47
For incidental expenses,.....	316,449 93
Total,.....	\$3,664,617 57

The amount so expended was raised as follows :

Balance unexpended from the previous year,.....	\$422,921 54
From Common School Fund and State tax,	1,322,683 33
From gospel and school lands,.....	19,384 64
From school district tax,.....	1,921,464 05
From school district rate bills,.....	414,062 72
From all other sources,.....	56,227 80
Amount remaining unexpended,.....	492,126 51

Number of school districts in the State,.....	11,621
Number of school houses,	11,576
Number of children between 4 and 21,.....	1,262,486
Number of children attending the public schools,.....	851,533
Number of teachers employed within the year,.....	26,411

The whole number of pupils in attendance at the Normal school during the past year has been three hundred and twelve, of which sixty-three have graduated. The whole number of pupils who have been in the school since its establishment, is three thousand two hundred and eighty-eight. The number now in attendance is two hundred and fifty-three.

The academies constitute an important part of the educational system of the State. They are established by private contributions for buildings, apparatus and libraries, which, at the date of the last report, amounted to two millions two hundred and twenty-two thousand two hundred and seven dollars. They receive from the Literature and United States Deposit Funds forty thousand dollars annually.

The militia of the State, it is estimated, comprises in the aggregate four hundred and eighteen thousand eight hundred men. The organized portion of this force consists of eighteen thousand eight hundred officers, non-commissioned officers, musicians and privates, and is divided into eight divisions, twenty-six brigades and sixty-four regiments. The force, which is constantly improving in discipline and effectiveness, constitutes a body of citizen soldiery to which the people of New York may point with a just pride, and upon which they may rely with confidence that it will prove equal to any emergency in the future as it has done in the past.

Under the laws of 1857 and 1859, providing for the erection of arsenals and armories, arsenals have been erected, and are now completed, at New York, Brooklyn, Corning, Albany, and Buffalo; and armories have been erected or purchased at Dunkirk, Syracuse, Auburn, Ballston Spa, Schoharie, and Ogdensburgh, though some of them are not yet finished. Lots and buildings have also

been purchased for armories at Kingston and Rochester. The referee appointed in the act of April 13, 1859, to inquire into the cause of the fall of the New York Arsenal, and to ascertain the amount, if any, due from the State to the contractor, has awarded that the State pay to him fourteen thousand two hundred and sixty-five dollars and seven cents. The act permits either party to appeal from the award.

The commissioners named in the act of April 8, 1859, to examine and adjust the claims for the services of the militia in the war of eighteen hundred and twelve, have found their labors more arduous than was expected. There have been presented to them fifteen thousand one hundred and twenty-seven claims, nearly all of which have been passed upon. The amount involved, and for which a claim is to be presented to the general government, is about eight hundred thousand dollars.

The State assessors, appointed under the act of April 14, 1859, have obtained much information, acting upon which, the board of equalization, constituted by that act, have made many changes in the valuation of real estate in the several counties, retaining, as the law obliged them to do, the same aggregate valuation for the entire State. It appears that the law of 1850, requiring assessors to attach an affidavit to their valuation, led to an immediate increase of over three hundred million dollars in the valuation of real estate. There was a subsequent steady increase of over three hundred millions more in real estate down to 1856, since which time there has been a decrease of more than a hundred millions. This is believed to be owing to the practice adopted by some counties of systematically undervaluing the property, an example which the other counties are continually imitating, so as to counteract the injustice which would otherwise be done them. Another year it is probable that the aggregate valuation of the State will be increased. The State assessors, however, have no control over personal property, a very large portion of which now escapes taxation.

The amount of salt manufactured on the Onondaga Salt Springs Reservation, during the year ending September 30, 1859, is within a fraction of seven million bushels, the duty upon which is seventy thousand dollars. The expenditures have been about forty-five thousand dollars, leaving a profit of about twenty-five thousand dollars, of which fifteen thousand have been expended in improvements designed to increase the facilities for manufacturing. The present supplies of brine, and facilities for raising and distributing the same, are adequate to the production of ten million bushels a year, an amount which will probably be attained within a few years. The very general use of coal has put an end to the apprehensions once felt that the high price of fuel would necessarily diminish the amount of salt manufactured.

There were in the State Lunatic Asylum at Utica, at the commencement of the last fiscal year, two hundred and sixty male and two hundred and forty-two female patients. There were

received during the year one hundred and seventy males and one hundred and forty-two females. The whole number treated was four hundred and thirty males and three hundred and eighty-four females. The daily average number under treatment was five hundred and nine. The whole number discharged was two hundred and ninety-five, of which one hundred and fourteen were recovered, and fifty-eight improved, while eighty-six were discharged unimproved, and thirty-five died. There remained in the asylum on November 30, 1859, two hundred and seventy-four males and two hundred and forty-five females. The amount appropriated by the last Legislature for this institution was five thousand five hundred dollars for salaries. All other expenses, except for buildings, are paid by the counties.

The whole number of pupils in the New York Asylum for Idiots at Syracuse, during the past year, has been one hundred and thirteen. Of these, ninety-three were the beneficiaries of the State to the full amount of the cost of their board and instruction, while eight received only half the cost, and twelve were paying pupils. There are now one hundred and thirty-seven in the asylum of whom one hundred and twenty are the beneficiaries of the State. The amount appropriated by the Legislature of 1859 was eighteen thousand dollars.

The agricultural interest has been unusually prosperous notwithstanding the partial drouth of summer and early frosts of autumn. Lying, as this great interest does, at the base of our prosperity, you will not omit to extend to it all reasonable care and protection. Its security depends upon an equitable development of all the resources of the State, coupled with a just and economical administration of the government. The moderate annual appropriation for the encouragement of agriculture in the counties, and in support of the State Agricultural Society has been fully returned to the treasury in the enhanced valuation of property and an hundred fold in the general prosperity. The State, county and town societies, at once a source of usefulness and a satisfaction to the public, owe their prosperity, perhaps their existence, to the co-operation of the State. The more general participation in these organizations by many of the best members of the community; the increased interest felt in the pursuit, as manifest in the augmentation of the agricultural press, and the renewed desire for the highest institutions for agricultural instruction, are in part the fruits of this fostering care.

The New York State Agricultural College at Ovid, to which the State has loaned forty thousand dollars for twenty-one years, without interest, is rapidly progressing toward completion and usefulness. The farm of seven hundred acres embraces a great variety of soils and characteristics, which eminently adapt it to the purposes of experimental as well as of productive farming. Two large buildings are now approaching completion. They are built in the best manner, heated by furnaces, lighted by gas and supplied throughout with water. It is the intention of the trustees to have

them in readiness to receive one hundred and fifty students early next spring. When fully completed, there will be accommodations for three hundred students. Forty-one thousand dollars, besides donations of stock and implements, have been thus far contributed by the friends of the enterprise. The institution is under the direction and control of some of the best men in the State. Its usefulness will not fail to be enjoyed by the large class for whom it is designed. •

The People's College, now in process of construction at Havana, in Schuyler county, is intended to combine practical and general education with daily manual labor. The site selected is healthy and commanding; the college edifice will be well adapted to its purpose, while two hundred acres of adjacent land, of the highest character for fertility, afford ample field for the development of the system. The buildings, when completed, will have cost nearly two hundred thousand dollars. It is expected they will be ready for students in September. The spirit which animated the enlightened and liberal projectors of this college, if suitably responded to by the philanthropic and wealthy, will produce most beneficial results to the cause of education, and to the agricultural interests of the State.

There have been received into the House of Refuge, New York, in the eleven months preceding November 30, 1859, two hundred and forty-two boys and seventy girls. During the same period there have been discharged two hundred and fifty-nine boys and seventy-five girls. There were remaining at the latter date four hundred and fifty-nine boys and seventy-one girls. The total number of children received into the House of Refuge since 1825, is seven thousand six hundred and fifty-one. The expenses for the year 1859 will be about forty-nine thousand dollars. The girls' house, for the erection of which the Legislature of 1859 appropriated twenty-five thousand dollars, will, it is hoped, be ready for occupation very early in the present year. When it is completed, the institution will accommodate five hundred and sixty boys and two hundred and forty girls, separated and classified so as to make the discipline effective and thorough. Each county is entitled to send to this institution girls under sixteen years of age, and as by a recent law the supervisors are authorized to fix the compensation to be paid for conveying children from their respective counties, it is hoped that this right will be more generally exercised.

The number of inmates in the Western House of Refuge, at Rochester, was, on January 1st, 1859, three hundred and eighty-six; since that time and down to November 23, one hundred and fifty-three have been received, and one hundred and twenty-five discharged, and put to service, leaving at the latter date four hundred and fourteen inmates. The highest number in the institution during the past year has been four hundred and twenty-seven, and the average number four hundred and five. The previous

year the average number was three hundred and sixty-five. The average cost of support was, in 1858, eighty-six dollars and fifty-seven cents; in 1859, ninety dollars. The appropriation of five thousand dollars made by the last Legislature, has been expended in extending the wall so as to give more room for shops, and thus to promote discipline. An additional appropriation of seven thousand dollars should be made to pay a balance still due, and to rebuild the work shops: The regular appropriation for the support of the institution, is twenty-five thousand dollars.

The New York Institution for the Instruction of the Deaf and Dumb, contained on the 1st of January, 1859, three hundred and five inmates. There have been admitted during the year, down to December 1, 1859, fifty. There have been withdrawn fifty-eight, leaving in the institution, at the latter date, two hundred and ninety-seven. Of these, two hundred and thirty have been selected as State pupils, though the appropriation by the last Legislature, amounting to thirty-three thousand dollars, provided for only two hundred and twenty, at the rate of one hundred and fifty dollars per pupil. Besides this, there were appropriated twenty-five thousand dollars for buildings.

The New York Institution for the Blind now contains two hundred and five pupils. Twenty-five have been discharged and thirty received during the year. The appropriation made by the last Legislature was twenty-seven thousand dollars, for the support and education of one hundred and eighty pupils.

The New York State Inebriate Asylum, at Binghamton, is not yet completed. The mason work is finished and paid for, but about seventy-five thousand dollars are needed to complete the buildings. The amount of money actually received under the law of April 15, 1859, which granted to this institution ten per cent of the excise moneys, has been twelve thousand six hundred and ninety-six dollars and twenty-one cents, and it is estimated that three thousand and fifty-four dollars more will be received. The fact that over three thousand applications for admission have already been made, shows that though the Inebriate Asylum is an experiment, it is one worthy of encouragement.

The discipline, conduct and efficiency of the police of New York fully vindicate the wisdom and propriety of the metropolitan police law. Even those who opposed its enactment now admit that New York never had so good a police, and citizens of other states propose the introduction into their larger cities of a system similarly conducted. There are seventeen hundred and ten persons employed under the board of police, besides three hundred and twenty-one special policemen who hold commissions but draw no pay from the board. The regularly authorized number of patrolmen is, in New York, fourteen hundred, and in Brooklyn one hundred and ninety-eight; in both cases, exclusive of officers and doormen. The House of Detention for witnesses is one of the most humane provisions of the metropolitan police act.

During the year, four hundred and nine witnesses have been detained there, who, under the old system, would have been confined in jail. The receipts of the board during the past year have been one million one hundred and sixty-seven thousand three hundred and thirty-six dollars and sixty-four cents, and the expenses one million one hundred and fifty-nine thousand four hundred and fifty-three dollars and thirty-two cents. Of the expenses, thirty thousand and five hundred dollars are apportioned to the general office, five thousand eight hundred and twenty-five dollars to the house of detention, one million two hundred and fifteen thousand five hundred and sixty dollars to New York, and two hundred and eleven thousand one hundred and seventy dollars to Brooklyn. The life and health fund now amounts to five thousand eight hundred and seventy-one dollars and twenty-nine cents, and pays pensions to the widows of three policemen. One thousand and seventy lots of stolen property, varying in value from twenty-five cents to three thousand dollars each, have been received by the property clerk, and six hundred and eighty-four lots, of the aggregate value of thirty-one thousand three hundred and thirty dollars, were restored to the owners. There have been sent from and received at the central office of the police telegraph, during the year, ninety-eight thousand messages, and by its means two thousand eight hundred and four lost children have been restored to their friends, four hundred and sixty-nine fires reported, and one hundred and sixty-six emissions of counterfeit bills notified. The increased efficiency of the police is shown by the fact that the number of arrests for burglary, a crime the detection of which depends greatly on efficient patrolling, is constantly increasing and has doubled within the last four years. Moreover, the arrests for offenses against property have largely increased since 1854, while the reported losses have decreased nearly fifty per cent.

But though the law is thus shown to be wise and judicious, some amendments are needed to give the system its full development. The comparatively small salary allowed by law to the general superintendent is a great obstacle in the way of securing the services of a competent person as the executive head of the force. The restriction should be so far modified as to allow the payment of a salary to that officer at least equal to that paid to other functionaries of similar importance. The supervisors of the counties of Westchester, Richmond and Kings (Brooklyn excepted), have now so long neglected to authorize the appointment of a patrol force in those counties, that it is worthy of consideration whether they should not be compelled to carry out the intent of the law. Amendments should also be made giving power to pay as well as to appoint special patrolmen on election days, and providing more effectually for the furnishing of proper station-houses. I am also of the opinion that, now that the force has been successfully organized, the time has come for the reduction of the number of commissioners from seven to three. This would

save considerable expense, without in any degree impairing the efficiency of the organization.

The very general favor that has been manifested towards the Central Park of the city of New York, demonstrates that it will more than realize the high expectations of its projectors. Though it is an undertaking of the municipality within which it is situated, the fame of its attractions and of the fidelity of its management, have marked it throughout the country not only as pre-eminently the foremost work of its kind, but as a standard of taste and skill in all the arts that have been so intelligently combined in its construction. The commissioners having obtained the approval of the common council of the city of New York, will apply to the Legislature for further means to complete this work, and I the more cheerfully commend their application to you, because it appears from official sources that the amount to accrue to the treasury of the city, by reason of an increase in the value of property, on account of the opening of the park, will probably more than afford means for the payment of the interest on the debt incurred for its purchase and improvement, without any increase in the general rate of taxation. The fidelity hitherto shown by the commissioners, who, it may be mentioned, receive no remuneration, affords a guaranty that the money will be carefully expended.

The Legislature of 1859 made an appropriation of fifty thousand dollars to provide "temporary accommodations for persons arriving in the port of New York sick with yellow fever or other pestilential disease," and introduced a provision into the bill requiring the Commissioners to remove the sick from the Marine hospital on Staten Island. Under this last provision thirty-eight persons were removed on June 27, to Ward's and Blackwell's Islands. After such removal no sick person could legally be sent to the Marine hospital. The commissioners, not successful in procuring "temporary accommodations" on land, purchased the hull of an ocean steamer, fitted it up as a floating hospital, and anchored it in the lower bay, about three miles from the nearest land, where it remained till the end of September, when it was removed and anchored off the old Quarantine station. The commissioners for the removal of Quarantine tendered the control and management of the floating hospital to the Commissioners of Emigration, who refused to accept it or to pay the expenses connected with it. The Quarantine Commissioners then proceeded to provide it with a proper medical and other staff. Under their charge it has proved eminently successful, and in the opinion of the Commissioners, has shown that "floating hospitals are well adapted for the treatment of quarantine diseases, and are as safe for the patients and the public as any hospital on land can be, and that they may be relied on as temporary accommodations until a new Quarantine location can be secured and proper buildings prepared." The Commissioners have drawn from the treasury twenty-nine thousand four hundred and five dollars, of which twenty-three thousand three hundred and seventy-seven dollars and thirty-

seven cents were for the purchase, finishing, furnishing and anchoring of the floating hospital. A considerable portion of the expense of maintaining it has not been paid, because the Comptroller did not deem himself authorized to pay it. The same experience which has shown that floating hospitals may be relied upon for temporary purposes, teaches that "in point of economy and convenience, they are not as well adapted to the purpose of a permanent Quarantine establishment as hospitals on land." Efforts for procuring a location for a permanent hospital on land will be continued, and an appropriation should be made to meet the probable cost of the land and necessary buildings; as also for the support of the temporary hospital during the past summer, and till the permanent one is prepared. Authority should be given the commissioners to sell the land and buildings at Staten Island, the proceeds of which will be more than sufficient to pay the cost of the new establishment.

The experience of the past year has shown that the exactions and annoyances to which the commerce of New York has, for several years been subjected at Quarantine, arose principally from the mode of enforcing the regulations there. But I recommend that the Chamber of Commerce of that city be empowered to establish a rate of charges, for stevedores and lightermen employed in discharging and transporting infected cargoes. Steps have been taken to procure the requisite information, preparatory to suggesting a revision of the health laws.

No appropriation was made last year for the Commissioners of Pilots of the harbor of New York; not, as I believe, because the Legislature did not recognize the importance and value of their services, but because it was regarded as a local matter, belonging to the city, rather than to the State, and yet the whole State is interested in preserving and improving the harbor of New York, upon which so much of the prosperity, not only of the city but of the State depends. I recommend that a sum not exceeding five thousand dollars should be appropriated to be expended under the direction of the pilot commissioners for the protection of the harbor.

The act of April 13, 1857, entitled "An act to regulate the use of slips and wharves of the city of New York, between piers number two and number ten, East River," as well as all other special acts of this character, should be repealed. These laws, instead of protecting and facilitating commerce, sacrifice the general public good to benefit private interests.

In pursuance of a concurrent resolution adopted April 17, 1858, the drawings of the map known as the harbor commissioners' map of the harbor of New York, have been continued, and are now nearly completed. The expense was, by the resolution, limited to five thousand five hundred dollars, but a contract has been made for five thousand one hundred dollars, which amount should be appropriated. The physical survey of the harbor of New York has been completed. An expense of two thousand five

hundred dollars has been incurred beyond former appropriations which should also be provided.

My attention has been called during the past year to the defences of New York, and I have availed myself of an invitation from the engineer officer in charge, to inspect the fortifications at the Narrows. It is obvious that the approach to New York by water is not now adequately defended. Its defensive system has not yet received the full development contemplated by the able board of engineers, which immediately after the war of 1812 devised it. Since that date and particularly within the period commencing with the application of steam to ocean navigation, the means of maritime attack have assumed a character and power quite unanticipated when the existing system was devised. The port of New York has become the great emporium of commerce of the nation. Three-fourths of its entire revenues in the shape of duties upon imports are collected there. Its perfect defensibility, therefore, is a matter of national importance. But it is of especial interest to the people of this State, and as their representatives, you are invited to consider whether some action of your own may not aid in procuring from Congress the means for the prompt completion of our defensive works.

The number of vessels surveyed by the wardens appointed under the "act to reorganize the Warden's office of the port of New York," passed April 14, 1857, was, during the first eleven months of the year 1859, three thousand two hundred and sixty-eight, against two thousand three hundred and thirty-eight surveyed during the entire year of 1858. The number of surveys made during the eleven months of 1859, was ten thousand three hundred and thirty-seven; during the entire year of 1858, seven thousand and twenty-two. The gross receipts of the office during the eleven months of 1859, were thirty thousand two hundred and thirty-four dollars and seven cents, and the expenses four thousand two hundred and seventy-three dollars and sixteen cents. During the year 1858, the gross receipts were twenty-four thousand five hundred and seventeen dollars and eighty-three cents, and the expenses five thousand three hundred and thirty-one dollars and seventy cents. The increase is probably due to the natural revival of business from the commercial depression of 1857 and 1858; to the decision of the Court of Appeals affirming the constitutionality of the law; and to the increasing confidence of the public in its wisdom and propriety.

The gross amount of fees received by the Harbor Masters of the port of New York, during the eleven months from January 1, to November 30, 1859, was thirty-one thousand, two hundred and fifty dollars and forty-five cents. The number of vessels that arrived during that period was eleven thousand, eight hundred and forty-six, of which seven thousand five hundred were under a coasting license, and therefore paid no fees. The law relating to the harbor regulations requires amendment. The piers and wharves of New York and Brooklyn are now divided into eleven

districts, each assigned to one harbor master, who has entire control over his district, and acts upon his own construction of the law. There should be established an officer corresponding to the Captain of the Port of most European cities, who should have a central office, where a list of all vacant berths should be kept, and who should establish a general and uniform system of regulations. The harbor masters should be under his supervision.

The number of alien passengers who arrived at the port of New York, during the year 1859, and for whom commutation money has been paid, was seventy-seven thousand six hundred and fifty, against seventy-eight thousand five hundred and sixty-two in 1858. The Commissioners of Emigration have refunded to the several counties, on account of advances made by them, twenty-three thousand five hundred and thirty-five dollars and seventy-five cents, which leaves a balance due the counties of forty-five thousand eight hundred and fifteen dollars and seventy-three cents. This amount the Commissioners hope to pay in full within a few weeks. The number of emigrants remaining in the institutions on Ward's Island is seven hundred and thirty-seven, against one thousand one hundred and nineteen last year. The expenses of these institutions were fifty-three thousand six hundred and forty-eight dollars and forty cents in 1859, and seventy-eight thousand five hundred and eighty-six dollars and thirty-eight cents in 1858. The aggregate expenditures of the Commissioners, exclusive of the amount refunded to counties, were one hundred and sixty-three thousand two hundred and forty-four dollars and twelve cents in 1859, and two hundred thousand nine hundred and seventy-five dollars and nine cents in 1858.

The continued and unexampled growth of the city of New York has brought with it the necessity of providing more means of access to the upper part of Manhattan Island. I recommend, therefore, that the number of railroads in the upper part of the city of New York be increased. In doing this, however, care should be taken, while limiting and equalizing the rates of fare on all railroads in that city, to render the valuable franchise a source of income to the city.

It is believed that the State is the owner of valuable property in and around the city of New York, now in the possession of others, in relation to which the rights of the State should be maintained by prompt and vigorous measures.

I recommend to your careful attention the highly important subject of the public health, especially in the city of New York. A considerable personal experience, obtained in an official capacity during the prevalence of epidemic cholera in 1849, convinced me that the absence of scientific sanitary supervision was even then a great defect in its municipal organization.

Having been officially informed by the Governor of Connecticut that he had appointed a new commission for the purpose of settling the disputed boundary between that State and our own, and determined to meet this action on the part of our sister State in

a proper spirit, I appointed commissioners on the part of this State. The representatives of the two States have met and formed a joint board, and have examined the disputed territory, but after several meetings, have been unable to agree upon a basis for settlement. I still hope that the matters in dispute will be satisfactorily adjusted; but should this not be done, some action on your part may become necessary during the present session.

The act of April 12, 1853, "to provide for the care and instruction of idle and truant children," has remained almost a dead letter upon our statute book. The law contains a general provision making it the duty of all police officers to enforce it, but this end would be much better accomplished if each city and town were required to make it the especial duty of some officer.

Breaches of trust in various forms, by persons acting in fiduciary capacities, have been so frequent as to render necessary a revision of the laws applicable to such cases, and the enactment of provisions more adequate to the prevention of this increasing evil than now exist. These provisions should be broad enough to include defalcations by public officers, by the directors and agents of corporations, and by persons invested with private trusts, and to include all other acts and omissions with fraudulent intent whereby the trust should be endangered; all such offences should be punished criminally.

Power should be given to the Governor to suspend for misbehavior, during the recess of the Senate, all officers whose removal or suspension is not otherwise provided for.

I think it both desirable and just that all resident aliens should be empowered to acquire, hold and convey real estate at their pleasure. To refuse this right, is a narrow and proscriptive policy which the State of New York should not sanction.

There is a tendency to seek special legislation for the accomplishment of objects attainable under general laws. New York, long since, wisely decided that such legislation should not be encouraged, and incorporated this principle into the Constitution of 1846. I recommend that the policy of general laws be adhered to. By extending the powers of the Boards of Supervisors, the convenience of the people would be promoted and the time of the Legislature saved.

I had occasion at various times to communicate to the last Legislature my views of the constitutional provision on the subject of special acts of incorporation for purposes other than municipal. Further reflection has strengthened my convictions of their justice.

Village charters occupy a considerable portion of our annual volumes of laws. They are filled with minute details, which might readily be comprehended in one general act, applicable to all cases, leaving to be provided for by special charters only the peculiar provisions which are doubtless necessary in some cases.

The general law providing for the change of names is found, in practice, not to apply to infants. It should be changed in that respect.

The failure of several railroad companies to pay the interest upon their mortgage debts, and the delays interposed to prevent the execution of the contracts by the transfer of the road to the trustees named in the mortgages, and the great depreciation and loss which are thereby occasioned, show that our laws are imperfect. The State of Connecticut has enacted a law requiring the courts, on the petition of any bondholder or secured creditor, to put the trustees in possession of the road and all its appurtenances, without delay. Such a law carries out the obvious contract of the parties, and is perfectly just to all. I recommend a similar enactment for this State.

The past year has furnished melancholy evidence that our railway companies do not always maintain their road-beds in a condition to insure the safe transportation of passengers over them. Authority should be conferred upon some officer to prevent the turning of a wheel on any road which is not in a safe condition. I recommend that the State Engineer and Surveyor be required, whenever complaint is made to him, or he has reason to believe it necessary, to examine the road-bed and bridges of any railroad, and if, in his opinion, they are not safe, then to apply to any judge of the Supreme Court and obtain from him a summary order, closing the road till it is put in proper condition.

It appears from the report of the Secretary of State, that during the year 1858 relief was granted by the public in two hundred and sixty thousand one hundred and fifty-five cases, equal to seven and four-tenths per cent of the entire population, at an expense of one million four hundred and ninety-one thousand three hundred and ninety-one dollars and twenty-eight cents. Of those relieved, forty-one per cent were natives of this country, and fifty-nine per cent were foreigners. While in the twenty years, from 1831 to 1851, the population of the State increased only sixty-one per cent; pauperism increased, in the same period, seven hundred and six per cent. In 1831, there was one person relieved to every one hundred and twenty-three inhabitants; in 1841, one to every thirty-nine; in 1851, one to every twenty-four, and in 1856 one to every seventeen. Though many persons doubtless received relief in more than one place, and therefore appear repeatedly in the returns, and though many of the persons relieved were not paupers, in the ordinary sense of the word, it is still clear that the evil is a great and increasing one, which urgently demands a remedy. Those most conversant with the subject are of the opinion that, although the existing laws are correct in principle, there is an imperative necessity for such legislation as shall secure their more certain and prompt enforcement.

The excise law, in part through its own defects, and in part through the action of those whose duty it should be to enforce it, has not produced the good results that were expected, or of which it is capable. The time within which meetings for the granting of licenses may be held, should be limited so that they may not

be prolonged through the year, as is now the case in some localities; and some restrictions should be imposed as to the number of licenses that may be granted. It is not improbable that other amendments are also needed, but I deem these two important.

The Legislature of 1859, by the passage of concurrent resolutions, initiated an important amendment of the Constitution designed to improve the efficiency and stability of the Court of Appeals. Experience has shown that the frequent changes in the judges of that court tend to prevent the despatch of business with the rapidity and certainty that is imperatively demanded. The last Legislature also initiated another amendment of the Constitution, abolishing the property qualification for men of color. Both of these proposed amendments must be adopted by you before they can be submitted to the people, and by their sanction become a part of the fundamental law.

Towards the close of the last session of the Legislature I felt it to be my duty to return with my objections a bill "to facilitate the construction of the Albany and Susquehanna Railroad," which bill made an appropriation of two hundred thousand dollars from the treasury. The Legislature was induced to grant that aid, it is presumed, in consideration of the fact that the section of the State through which that road is to run, is isolated, and has not directly participated in the liberal expenditures for improvements, by means of which other portions of the State have been so largely benefited. The reasons which led me to withhold my approval from the bill were conclusive to my mind, and under similar circumstances would lead to the same action. This measure has been presented to the people, accompanied by my objections, and may return for reconsideration. It may be proper, therefore, in this changed aspect of the question, to say at this time, that if the immediate representatives of the people, chosen as the entire Legislature has been since my objections were made public, deem the aid of the State due to a sequestered section, and think proper to pass by a constitutional vote, a bill for that object, providing therein, by tax or otherwise, the money to pay whatever appropriation is made, I shall yield my own opinions to the will of the people thus expressed.

No efforts should be omitted to maintain the dignity and purity of legislation, uninfluenced by the importunities of those who resort to improper means to affect it. I deem it unnecessary to repeat the views expressed in my first annual message upon this subject, but it is my intention to do everything in my power to put an end to the abuses which exist. Officers whose duties are at a distance from Albany, should not leave their posts and make it a business to procure or prevent legislation. If in the discharge of their official duties they perceive defects in the laws, they may rightfully point them out to the proper committees, but to do more is misconduct, and will be regarded as sufficient ground of removal from office.

The Legislature of 1859 gave effect to that provision of the

Constitution, which requires "that laws shall be made for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage." The experience gained at the recent State election, has shown that as a whole, it has fully answered its purpose, even amid the difficulties inseparably connected with the introduction of a new law of this character, and notwithstanding the attempts in some quarters to embarrass its action. The great object of excluding from the ballot-box all illegal votes, has been substantially attained, so that every elector may be sure that he can exert his due influence in the choice of rulers. Some few amendments to the law are, however, needed. The registers already prepared should be the basis of those used at future elections, but the registering board should meet prior to each election, and after hearing testimony, add the names of legal voters not already on them, and erase those not rightfully there. A list, showing only those added and those stricken off should then be prepared and published. Distinct authority should be given to inspectors of election to administer oaths, and it should be made a misdemeanor to receive the vote of any person who is not registered, and who has not complied with the law. When these, and perhaps a few other changes are made, I feel sure, that by its quiet, effectual and inexpensive operation the system will commend itself to all. Every effort should be made to encourage and, perhaps, compel the legal voters to exercise the right of voting, which is at once a privilege and a duty. An effectual means of contributing to this desirable end would be to make the day of all general elections a legal holiday.

Without wishing to give undue importance to the subject which, for so many years has agitated the country, I nevertheless am constrained to say that it continues to maintain such proportions, that I do not feel at liberty to disregard it in my annual message. It is not to be denied that there is an apparent determination on the one hand to extend and strengthen the institution of human slavery as a political power on this continent, and on the other, an equally determined spirit to resist its extension and influence. So long as the leaders of opinion in all sections of our country were substantially agreed in the sentiment that slavery was an anomaly, and an evil to be restricted and endured until time and opportunity should indicate the means of its peaceful and gradual extinction, it was not a source of fraternal discord and sectional strife, and could not have been made one. But the novel doctrines which affirm that slavery is no evil at all, but a positive good—a good to be commended, diffused, perpetuated—and which logically require the conversion of our present federal territories into new slave-marts, and the acquisition of additional provinces and islands, expressly to fortify and increase the power of this social evil, are plainly incompatible with that perfect amity and concord, between different sections and States, which it is the interest of all, and the desire of the people of this State, at least, to maintain through all time.

New York yields to none of her sister States in her devotion to the Union. She reveres it as the fruit of a long protracted contest for liberty and independence, and she cherishes it for its present benefits and its guarantees for the future. Her citizens discovered at a very early period that slavery was an evil, and prompt and considerate provision was made for its extinction. So far as our example was worthy of imitation, the other members of the Confederacy had the advantage of it: but we never claimed that we had the right to interfere, directly or indirectly, with slavery as it existed in the other States of the Union. We were satisfied with the solemn and earnest declarations recorded upon our statute book that we regarded slavery as a governmental and social evil, and treated it accordingly. New York still maintains the same position. She emphatically disavows all sympathy or co-operation with those misguided men who, no matter under what provocation, have sought in the past or who may seek in the future unlawfully to interfere with the institutions of any of her sister States.

That the offenders, in the recent invasion of Virginia, intended to subvert the existing government and establish in its stead another more consonant with their notions of justice and equal rights, is not certain; that they proposed to liberate and arm the slaves of that region, and aid their escape to a foreign country, is beyond dispute. And that purpose, it need hardly be observed, was unlawful and certain to be resisted at all hazards. Bloodshed thus incited, rests, in the eye of human law, on the heads of those whose violation of laws provoked or caused it. We may admit that their aims were unselfish and even philanthropic—that they honestly believed and felt that they were risking liberty and life in behalf of the wronged and oppressed—but we must never forget the obvious truth, that social order can only exist through a general recognition of the sanctity of law, and that tranquility and security must vanish from that community wherein every one shall feel at liberty to redress whatever he deems grievous by raising his arm against the authorities and the laws.

Another question, however, is presented, when it is proposed to establish or to permit the establishment of slavery in the territories. Being the common property of the whole people, so long as they remain territories New York will claim the right to participate in their government. In no way can she do so, except through the agency of her chosen representatives in Congress; and therefore it is that the electors of New York recognize the authority of Congress, to legislate for the territories and to prohibit the establishment of slavery therein. Yielding cheerful obedience to the doctrines of State sovereignty; having no disposition to interfere with the local institutions of the States; prepared at all times to aid those States in the preservation of their sovereign power, the people of New York, while always enforcing their views in a legal, peaceful and constitutional manner, will

not surrender the right to participate in the reformation of this or any other evil in the administration of the national government.

EDWIN D. MORGAN.

ALBANY, January 3, 1860.

On motion of Mr. Ramsey,

Resolved, That the message of His Excellency, the Governor, do lie on the table, and that 3000 copies thereof be printed for the use of the Senate.

On motion of Mr. Munroe, the Senate adjourned.

WEDNESDAY, JANUARY 4, 1860.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Hon. Bernard Kelly, Senator elect from the 5th District, appeared in the chamber, and took and subscribed the oath of office.

Mr. Hillhouse presented a petition of the supervisors of Seneca county, in relation to the confinement of insane persons, which was read and referred to the committee on charitable and religious societies.

Mr. Bell presented a petition of twenty-five inhabitants of Brownville, in relation to fisheries in the county of Jefferson, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Williams presented a petition and papers of Salmon Butts, of Palmyra, for the hearing and determining his claim for canal damages, which were read and referred to the committee on claims.

Mr. Manierre presented a petition of Silas M. Stillwell, for a law to compel citizens to vote, which was read and referred to the committee on privileges and elections.

Mr. Ketcham gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act to amend an act incorporating the Dutchess County Mutual Insurance company, passed April 9, 1835."

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to authorize Eliza D. Boreel and others, aliens, to hold and convey real estate conveyed to them by John Jacob Astor, deceased.

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act concerning the salt springs and the manufacture of salt."

Mr. Goss gave notice that he would, at an early day, ask leave to introduce a bill to confer upon the board of town auditors of the several towns in this State, power and authority to audit justices and constables claims against said towns.

Mr. Hammond gave notice that he would, at an early day, ask leave to introduce a bill relative to unclaimed deposits in savings banks.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill allowing all legally enlisted firemen of this State, to hold property to the amount of five hundred dollars exempt from taxes.

Mr. Grant gave notice that he would, at an early day, ask leave to introduce a bill for the amendment of an act entitled "An act to incorporate the Cochection Bridge company, passed April 7, 1817."

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill authorizing the commissioners of highways of the town of Orangetown, in the county of Rockland, to build a bridge across the Sparkill, in said town of Orangetown.

Mr. Abell gave notice that he would, at an early day, ask leave to introduce a bill in relation to the public printing and in relation to the publication of legal notices.

Mr. Spinola gave notice that he would, at an early day, ask leave to introduce a bill to award damages to the owners of lands in the vicinity of Fifth and Flatbush avenues, in the city of Brooklyn, by reason of raising the grade of Flatbush avenue where the same intersects the Fifth avenue.

On motion of Mr. Lawrence,

Resolved, That the message of the Governor, be taken from the table and referred to the committee of the whole Senate.

Mr. Colvin called up for the consideration of the Senate, the following resolution:

Resolved, (if the Assembly concur,) That the joint rules of the Senate and Assembly, which were in force at the last session of the Legislature, be adopted for the government of the two Houses during the present session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Spinola moved to take from the table the following resolution, to wit:

Resolved, That the Clerk of the Senate be, and he is hereby authorized to furnish each Senator and officer of the Senate, with one copy of the Civil List.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Ketcham	Richmond	Spinola
Colvin	Grant	McGraw	Robertson	Warner
Connolly	Kelly	Munroe		

13

FOR THE NEGATIVE.

Bell	Hammond	Manierre	Prosser	Sessions
Ferry	Hillhouse	Montgomery	Ramsey	Truman
Fiero	Lapham	J. M. Murphy	Rotch	Williams
Goss	Lawrence	P. P. Murphy		

18

Mr. Spinola offered the following resolution :

Resolved, That the Clerk of the Senate furnish each member and officer of the Senate, with two copies of the Red Book.

Mr. Truman moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Prosser, the Senate adjourned.

THURSDAY, JANUARY 5, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday, was read and approved.

Mr. Prosser presented a petition of inhabitants of the town of Brant, Erie county, for a pro rata freight law.

Mr. Sessions moved to refer said petition, and all others on that subject, to a select committee.

Mr. Hammond moved to lay that motion on the table until after the appointment of the standing committees.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Colvin	Hammond	McGraw	Ramsey	Rotch
Connolly	Hillhouse	Montgomery	Richmond	Spinola
Gardiner	Kelly	Manroe	Robertson	Truman
Grant	Ketcham			

17

FOR THE NEGATIVE.

Bell	Fiero	Lawrence	Prosser	Warner
Blood	Goss	P. P. Murphy	Sessions	Williams
Ferry	Lapham			

12

Mr. P. P. Murphy presented a petition of Grant, Turner & Ryan, for relief on account of suspension of work on the Erie canal, which was read and referred to the committee on claims.

Mr. Bell presented a petition of eighty-eight inhabitants of the town of Brownville, asking a law to protect the fisheries in the waters of Lake Ontario, in the county of Jefferson, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Warner presented a petition of Luman Hough, to confirm the name of Albert L. Hough, and constitute him his legal heir, which was read and referred to the committee on the judiciary.

Mr. Ferry presented a petition of the Utica Steam Woolen Mills, for damages done by the Chenango canal, which was read and referred to the committee on claims.

Mr. Colvin presented a petition of the heirs of Lewis Benedict, for relief, which was read and referred to the committee on claims.

Also, a petition of Squire Whipple, for compensation for the use of his patent bridges upon the canals of this State, which was read and referred to the committee on claims.

Mr. Spinola presented a petition of the board of supervisors of Kings county, for an abolition of the city court of Brooklyn, which was read and referred to the committee on the judiciary.

Also, a memorial of the commissioners under the act to provide for the extension of Flatbush avenue, which was read and referred to the committee on the incorporation of cities and villages.

Mr. P. P. Murphy presented a resolution of supervisors of Orleans county, in relation to public printing, and the prices paid for the same, which was read and referred to the committee on public printing.

Mr. Truman gave notice that he would, at an early day, ask leave to introduce a bill in relation to wills.

Mr. Grant gave notice that he would, at an early day, ask leave to introduce a bill to amend the 30th sec. of the Code of Procedure of the State of New York, passed April 12, 1848.

Mr. Williams gave notice that he would, at an early day, ask leave to introduce a bill for the relief of Salmon Butts, for canal damages.

Mr. McGraw gave notice that he would, at an early day, ask leave to introduce a bill to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy.

Mr. Goss gave notice that he would, at an early day, ask leave to introduce a bill conferring upon boards of supervisors of the respective counties in this State, full powers of local legislation.

Mr. Lapham gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act for the prevention of intemperance, pauperism and crime, passed April 9, 1855."

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act authorizing notaries public of the State of New York, to perform the duties now performed by commissioners of deeds, passed April 15, 1859."

Mr. Warner gave notice that he would, at an early day, ask leave to introduce a bill to confirm the name of Albert L. Hough, and constitute him a legal heir of Luman Hough, of the town of Richland, Oswego county.

Mr. Ketcham gave notice that he would, at an early day, ask leave to introduce a bill to increase the fees of the civil justice of the peace of the city of Hudson.

Mr. Lawrence gave notice that he would, at an early day, ask leave to introduce a bill for the formation (in the city of New York,) of a company to be called the Coast Wrecking company.

Mr. Spinola gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act supplementary to the act to provide for the extension of Flatbush avenue, in the village of Flatbush.

In pursuance of previous notice, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to amend an act incorporating the Dutchess County Mutual Insurance company, passed April 12, 1836," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to amend an act relative to disputed wills," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act to amend sections twenty-seven and twenty-nine, of title 5, of an act to consolidate the cities of Brooklyn and Williamsburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the commissioners of highways in the town of Orange, in the county of Rockland, to build a bridge across the Sparkill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Williams asked and obtained leave to introduce a bill entitled "An act for the relief of Salmon Butts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

In pursuance of previous notice, Mr. Ferry asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act authorizing notaries public of the State of New York, to perform the duties now performed by commissioners of deeds,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduced a bill entitled "An act to repeal an act entitled 'An act to equalize the State tax among the several counties of this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Munroe,

Resolved, That all copies of the documents published by order of the Senate, be trimmed and bound in paper covers, in the same manner as at the last session.

On motion of Mr. Warner,

Resolved, That the Senate will go into executive session at 12 o'clock, (noon,) on Wednesday of each week, until otherwise ordered.

Mr. Hammond offered the concurrent resolutions adopted by the Legislature of 1859, in relation to the judiciary of this State, as follows:

Concurrent resolutions to amend the Constitution relative to the judiciary of the State.

Resolved, (if the Assembly concur,) That the following amendments be proposed to the Constitution of this State:

From and after the third Tuesday of June, eighteen hundred and sixty, the Court of Appeals shall consist of six judges, to be chosen

by the electors of this State. The four judges who may then be in office by previous election or appointment, shall continue to hold until the expiration of their respective terms. On the third Tuesday of May, eighteen hundred and sixty, an election shall be held, at which two judges of said court shall be chosen, whose terms shall commence on the third Tuesday of June, eighteen hundred and sixty. The term of one of them shall expire in nine years from the thirty-first day of December following, and of the other in eleven years from the same time. At the general election in the year eighteen hundred and sixty-one, and in every second year thereafter, unless the Legislature shall by law appoint a different day, one judge of said court shall be chosen for a term of twelve years from and after the thirty-first day of December, next after such election. Four judges shall constitute a quorum. In case of the absence or inability to serve, of any judge or judges, the Governor may appoint one or more justices of the Supreme Court to serve for the time being.

Section seven, of article six of the Constitution, is hereby abrogated, and the following provision substituted.

The judges of the Court of Appeals and the justices of the Supreme Court shall receive, at stated times, for their services, a compensation, to be established by law, and which shall not be increased or diminished at less intervals than once in six years; the provision made for such compensation, by act of the Legislature, in the year eighteen hundred and fifty-seven, shall apply to judges and justices then in office, as well as those thereafter elected or appointed, and the same shall be deemed to have taken effect accordingly from the first day of January, eighteen hundred and fifty-eight.

Section fourteen, of article six of the Constitution, is amended as follows:

The county court shall have such original and appellate jurisdiction as the Legislature may prescribe.

Ordered, That said resolution be laid on the table.

On motion of Mr. Prosser, the Senate adjourned.

FRIDAY, JANUARY 6, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dyer.

The journal of yesterday, was read and approved.

Mr. Lapham presented a preamble and resolutions of the board of supervisors of Clinton county, asking for the passage of a pro rata freight law, and also that tolls be levied on freight carried over the Central railroad, which was read and laid on the table.

Mr. Prosser presented a petition of inhabitants of the town of North Collins, Erie county, for a pro rata freight law, which was read and laid on the table.

Mr. Ferry presented a petition of inhabitants of Trenton, Oneida county, for a pro rata freight law, which was read and laid on the table.

Mr. Grant presented a petition of Annabella Crawford, for the passage of an act to release the interest of the State in certain lands of which her husband, William Crawford, died seized, to Annabella Crawford, which was read and referred to the committee on the judiciary.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act to authorize the supervisors of the county of Rensselaer, to audit bills for repairs of county buildings, and for other purposes," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Richmond, and by unanimous consent, the rules were suspended and said bill ordered to a third reading.

By unanimous consent, Mr. Spinola moved to amend said bill by striking out of the title the words "and for other purposes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Robertson
Bell	Gardiner	Ketchum	P. P. Murphy	Rotch
Colvin	Goss	Lapham	Prosser	Sessons
Connelly	Grant	McGraw	Ramsey	Warner
Ferry	Hammond	Montgomery	Richmond	Williams

25

FOR THE NEGATIVE.

Lawrence

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendment.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act to repeal the act entitled 'An act to authorize the election of a special judge and surrogate, in the county of Essex,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Abell gave notice that he would, at an early day, ask leave to introduce a bill to raise the duty on salt manufactured in this State.

Mr. Williams gave notice that he would, at an early day, ask leave to introduce a bill to authorize John Nostrant to keep a ferry across Cayuga lake, at Cayuga.

Mr. Grant gave notice that he would, at an early day, ask leave to introduce a bill to release the interest of the State in certain lands of which William Crawford died seized, to Annabella Crawford.

Mr. Gardiner gave notice that he would, at an early day, ask leave to introduce a bill to amend the act in relation to railroads.

Also, a bill to amend the act providing for the erection of a tomb and monument to the American prisoners who died on board of the prison ships in the Wallabout bay.

Mr. Ketchum gave notice that he would, at an early day, ask leave to introduce a bill in relation to the poorhouse and paupers in Dutchess county.

Mr. Prosser gave notice that he would, at an early day, ask leave to introduce a bill to repeal an act entitled "An act to abolish tolls on railroads, passed July 10, 1851."

Also, a bill to provide means to complete the canals of this State, and supply them with water.

Also, a bill in relation to canal tolls.

Mr. Goss gave notice that he would, at an early day, ask leave to introduce a bill to fix the fees of justices of the peace, in both civil and criminal cases.

Also, a bill conferring additional powers and duties on courts of special sessions.

Mr. Sessions gave notice that he would, at an early day, ask leave to introduce a bill authorizing the judges of the court of appeals to appoint a Supreme Court Reporter.

Also, a bill to establish a law library at the city of Buffalo.

In pursuance of previous notice, Mr. Warner asked and obtained leave to introduce a bill entitled "An act to confirm the name of Albert L. Hough, and make him the legal heir of Luman Hough, of the town of Richland, Oswego county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act concerning the salt springs, and the manufacture of salt,' passed April 15, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the manufacture of salt.

In pursuance of previous notice, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to increase the fees of the civil justice of the peace of the city of Hudson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act supplementary to the act to provide for the extension of Flatbush avenue," which was read the first time, and by unanimous consent was also read the second

time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to incorporate in the city of New York the Coast Wrecking company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. McGraw offered the following resolution:

Resolved, That when the Senate adjourns this day, it adjourn to meet on Monday at seven o'clock.

Mr. Truman moved to amend by striking out the words "seven o'clock," and inserting the words "eleven o'clock A. M."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Fiero	Grant	P. P. Murphy	Truman	Warner	8
Goss	Lawrence	Sessions			

FOR THE NEGATIVE.

Abell	Ferry	Kelly	Montgomery	Richmond	21
Bell	Gardiner	Ketchum	Munroe	Robertson	
Blood	Hammond	Lapham	Prosser	Rotch	
Calvin	Hillhouse	McGraw	Ramsey	Williams	
Connolly					

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced the following appointments:

Assistant Postmaster.—Thomas McBurney.

Messenger for Library.—Graham K. Anderson.

Pages.—Charles Garlinghouse, George Schermerhorn, Edward May, James Dunn, Everett C. Burhans, Robert C. Cary and Edwin T. Gillett.

The Clerk announced the following appointments:

Journal Clerk.—Charles G. Fairman.

Deputy Clerks.—A. N. Cole, L. L. Rose and L. B. Sessions.

Librarian.—Ira Bowen.

Bank Messenger.—Charles Vanderlip.

On motion of Mr. Goss,

Resolved, That the Clerk be directed to procure 500 diagrams of the Senate chamber, for the use of the Senate.

Mr. Hammond moved to take from the table the motion to refer the petitions upon the pro rata freight bill to a select committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	P. P. Murphy	Rotch
Bell	Hammond	Lawrence	Prosser	Sessions

Connolly	Hillhouse	McGraw	Ramsey	Truman	
Ferry	Kelly	Montgomery	Richmond	Warner	
Fiero	Ketcham	Munroe	Robertson	Williams	25

FOR THE NEGATIVE.

Blood	Colvin	Gardiner	Grant	Spinola	5
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The President then put the question whether the Senate would agree to refer said petitions to a select committee, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	P. P. Murphy	Rotch	
Bell	Goss	Lapham	Prosser	Sessions	
Colvin	Hammond	McGraw	Ramsey	Truman	
Connolly	Hillhouse	Montgomery	Richmond	Warner	
Ferry	Kelly	Munroe	Robertson	Williams	25

FOR THE NEGATIVE.

Blood	Gardiner	Grant	Lawrence	Spinola	5
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Mr. Fiero offered the following resolution:

Resolved, That the Clerk be instructed to furnish each member, officer and reporter of the Senate, with five copies of the Red Book, full bound, at an expense not exceeding one dollar each.

Mr. Truman moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Connolly	Montgomery	Robertson	Truman	
Colvin	Lawrence	Ramsey	Rotch	Warner	10

FOR THE NEGATIVE.

Abell	Gardiner	Kelly	Munroe	Sessions	
Blood	Goss	Ketcham	P. P. Murphy	Spinola	
Ferry	Grant	Lapham	Prosser	Williams	
Fiero	Hammond	McGraw	Richmond		19

Mr. Truman moved to amend by striking out the word "five" and inserting "one."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Lawrence	Prosser	Robertson	Truman	
Ferry	Montgomery	Ramsey	Rotch	Warner	10

FOR THE NEGATIVE.

Abell	Gardiner	Hillhouse	McGraw	Sessions	
Bell	Goss	Kelly	Munroe	Spinola	
Blood	Grant	Ketcham	P. P. Murphy	Williams	
Fiero	Hammond	Lapham	Richmond		19

Mr. Goss moved to amend by striking out "five" and inserting "two."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. P. P. Murphy moved to amend by striking out "five" and inserting "three."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to the original resolution, and the vote was as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hammond	Lapham	Robertson	
Bell	Gardiner	Kelly	McGraw	Spinola	
Connolly	Grant	Ketcham	Munroe		14

FOR THE NEGATIVE.

Colvin	Lawrence	Prosser	Rotch	Warner	
Goss	Montgomery	Ramsey	Sessions	Williams	
Hillhouse	P. F. Murphy	Richmond	Truman		14

There being a tie the President declared the resolution lost.
On motion of Mr. Munroe, the Senate adjourned.

MONDAY, JANUARY 9, 1860, 7 O'CLOCK P. M.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of Friday; was read and approved.

Mr. Truman presented a petition of citizens of Tioga county, for the extension of the Chenango canal to the Pennsylvania line, which was read and referred to the committee on canals.

Mr. J. M. Murphy presented a petition of John Hall, of the city of New York, praying that his father, Isaiah Hall, may be relieved from the effects of his alienage, which was read and referred to the committee on the judiciary.

Mr. Lapham presented a petition and resolution of the board of supervisors of Essex county, in favor of tolling railroads, which was read and referred to the select committee on that subject.

Mr. Ferry presented a petition of inhabitants of Trenton, Oneida county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Goss presented a petition of Thomas Kempshall and others, for a pro rata freight law; also, a petition of Wilder Case & Co. and others, for a law to compel the railroads to treat the people of this State on equal terms with the people of other States, in carrying their freights, which were read and referred to the select committee on that subject.

Mr. P. P. Murphy presented a petition of the board of supervisors of Orleans county, asking for the imposition of canal tolls on railroad freight, and also for a pro rata freight bill, which was read and referred to the select committee on that subject.

Mr. Prosser presented a petition of inhabitants of North Collins, Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Lawrence presented a petition of Josiah Blackwell, praying that certain moneys expended by him for certain lands in Williamsburgh, be refunded, which was read and referred to the committee on the judiciary.

Mr. Warner gave notice that he would, at an early day, ask leave to introduce a bill in relation to the locks on the Oneida Lake canal.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to amend an act passed 1849, to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes.

Mr. Lapham gave notice that he would, at an early day, ask leave to introduce a bill directing the Canal Board to make the canal tolls the same as they were in 1857.

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill for the relief of Nelson Philips.

Mr. Ramsey gave notice that he would, at an early day, ask leave to introduce a bill authorizing the town of Northampton, in Fulton county, to borrow money to build a bridge, &c.

Mr. J. M. Murphy gave notice that he would, at an early day, ask leave to introduce a bill to prohibit the payment of the employees on the Central Park and other public works in the State, by written or printed orders for supplies on grocery and other stores.

Mr. Spinola gave notice that he would, at an early day, ask leave to introduce a bill to incorporate an orphan asylum for German children, in the city of Brooklyn.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the Citizens' Savings bank, of the city of New York.

In pursuance of previous notice, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act in relation to the poor-house and paupers in Dutchess county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Truman asked and obtained leave to introduce a bill entitled "An act in relation to wills," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Ferry asked and obtained leave to introduce a bill entitled "An act to construct and protect sidewalks along highways, repealing chapter 324, Laws of 1854, entitled An act to amend chapter 281 of the Session Laws of 1836, entitled 'An act to protect sidewalks along highways, passed May 10, 1836,' and also repealing said chapter 281, Laws of 1836, entitled An act to protect sidewalks along highways,' passed May 10, 1836,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Robertson offered the following resolution :

Resolved, That Caleb S. Babcock be, and he is hereby appointed Second Assistant Sergeant-at-Arms of the Senate.

Mr. Truman moved to amend by adding the name of N. D. Spencer, to attend to the filing of bills and doing up documents, and to perform such other duties as the Sergeant-at-arms shall direct.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Richmond	
Bell	Gardiner	Manierre	Prosser	Rotch	
Colvin	Kelly	Munroe	Ramsey	Truman	
Connolly	Ketcham				17

FOR THE NEGATIVE.

Ferry	Hillhouse	Montgomery	Sessions	Warner	
Goss	Lawrence	P. P. Murphy	Spinola	Williams	
Grant	McGraw	Robertson			18

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Goss	Manierre	Prosser	Rotch	
Connolly	Hillhouse	Montgomery	Ramsey	Sessions	
Ferry	Kelly	Munroe	Richmond	Spinola	
Fiero	Ketcham	J. M. Murphy	Robertson	Truman	
Gardiner	Lapham				22

FOR THE NEGATIVE.

Abell	Lawrence	P. P. Murphy	Warner	Williams	
Grant	McGraw				7

On motion of Mr. Ferry,

Resolved, That the papers of J. S. Kellogg, executor, in relation to a claim for canal damages, be taken from the files and referred to the committee on claims.

The President announced the appointment of the following standing committees:

CLAIMS.

Truman, McGraw, Lawrence.

FINANCE.

Sessions, Truman, Grant.

JUDICIARY.

Hammond, Ramsey, Colvin.

CANALS.

Prosser, Bell, Connolly.

RAILROADS.

Abell, P. P. Murphy, Richmond.

CHARITABLE AND RELIGIOUS SOCIETIES.

McGraw, Warner, Grant.

INTERNAL AFFAIRS OF TOWNS AND COUNTIES.

Goss, Fiero, Spinola.

STATE PRISONS.

Munroe, Montgomery, Colvin.

POOR LAWS.

Lapham, Goss, Kelly.

ENGROSSED BILLS.

Warner, Connolly, Williams.

INDIAN AFFAIRS.

Montgomery, Rotch, Kelly.

COMMERCE AND NAVIGATION.

Robertson, Prosser, J. M. Murphy.

[SENATE JOURNAL.]

	AGRICULTURE:	
Rotch,	Abell,	Gardiner.
	LITERATURE.	
Hillhouse,	McGraw,	J. M. Murphy.
	MILITIA.	
Fiero,	Williams,	Blood.
	ROADS AND BRIDGES.	
Lapham,	Goss,	Kelly.
	GRIEVANCES.	
Hillhouse,	Fiero,	Blood.
	BANKS.	
Williams,	Ferry,	Spinola.
	INSURANCE COMPANIES.	
Ketcham,	Ferry,	Spinola.
	PRIVILEGES AND ELECTIONS.	
Fiero,	Munroe,	Connolly.
	MANUFACTURES.	
Bell,	Robertson,	Blood.
	RETRENCHMENT.	
Ketcham,	Williams,	Kelly.
	PUBLIC BUILDINGS.	
Warner,	Rotch,	Connolly.
	ERECTION AND DIVISION OF TOWNS AND COUNTIES.	
Ramsey,	Montgomery,	Grant.
	CITIES AND VILLAGES.	
Manierre,	Richmond,	Lawrence.
	PUBLIC EXPENDITURES.	
Ferry,	Manierre,	Gardiner.
	EXPIRING LAWS.	
Lawrence,	Sessions,	Goss.
	MEDICAL SOCIETIES.	
P. P. Murphy,	Warner,	Colvin.
	PUBLIC PRINTING.	
Richmond,	Montgomery,	Spinola.
	MANUFACTURE OF SALT.	
Abell,	Hammond,	Blood.
	JOINT LIBRARY.	
J. M. Murphy,	Munroe,	Abell.

The President also announced the following select committee :

ON PRO RATA FREIGHT ON RAILROADS.

Sessions, Prosser, Connolly.

Mr. Goss presented the annual report of the managers of the Western House of Refuge, which was laid on the table and ordered printed.

(See Doc. No. 7.)

On motion of Mr. McGraw, the Senate adjourned.

TUESDAY, JANUARY '10, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pohlman.

The journal of yesterday, was read and approved.

Mr. Truman presented a memorial of merchants of Tioga county, for the enactment of the pro rata freight law, and the re-imposition of tolls upon railroads competing with the canals, which was read and referred to the select committee on pro rata freights upon railroads.

Mr. Bell presented a petition of Wm. H. Angell and one hundred others, citizens of the village of Watertown, Jefferson county, asking the passage of an act to provide for the appointment of a police justice in said village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Truman presented a petition of inhabitants of Tioga county, for an extension of the Chenango canal to the Pennsylvania line, which was read and referred to the committee on canals.

Mr. Sessions presented a petition and papers of Wm. Sternbergh, praying for a law authorizing a rehearing of his claim before the Canal Board, which was read and referred to the committee on claims.

Mr. Ketcham presented a resolution of the board of supervisors of the county of Dutchess, in relation to the poor-house and paupers in said county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Grant presented a petition of the President and Secretary of the Cocheton Bridge company, for the amendment of their act of incorporation, passed April 7, 1817, which was read and referred to the committee on roads and bridges.

Mr. Ferry presented a petition of inhabitants of Oneida county, for a pro rata freight law, which was read and referred to the select committee on pro rata freight upon railroads.

Mr. Manierre presented a petition of James Hay, for relief in the Leake escheat, which was read and referred to the committee on the judiciary.

Mr. Montgomery presented a petition of inhabitants of Chateaugay, Franklin county, for the incorporation of a hook and ladder company, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of heirs of Asa Baxter, for relief, which was read and referred to the committee on claims.

Mr. Hillhouse presented a petition and resolutions of the board of supervisors of Seneca county, in favor of tolling railroads, which were read and referred to the select committee on that subject.

Mr. Williams presented a petition for a bridge across Sodus bay, in Wayne county, which was read and referred to the committee on roads and bridges.

Also, a resolution of the board of supervisors of Wayne county, in relation to canal policy and railroad management, which was read and referred to the select committee on pro rata freights upon railroads.

Mr. Ramsey presented two several petitions of inhabitants of Schoharie, for aid to the Albany and Susquehanna railroad.

Mr. Ramsey moved the reference of said petitions, and all others of a similar nature, to a select committee of three.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Munroe	Rotch
Colvin	Grant	McGraw	Proseer	Truman
Ferry	Hillhouse	Manierre	Ramsey	Warner
Fiero	Ketcham	Montgomery	Robertson	19

FOR THE NEGATIVE.

Abell	Connolly	Kelly	P. P. Murphy	Sessions
Blood	Gardiner	J. M. Murphy	Richmond	Spinola
				10

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a report of the State Engineer, in relation to survey of extension of Chenango canal, which was laid on the table and ordered printed.

(See Doc. No. 6.)

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill to repeal an act entitled "An act for the relief of the western ten miles of the eastern branch of the Schoharie Turpike Road company, passed April 14, 1859.

Mr. Williams gave notice that he would, at an early day, ask leave to introduce a bill in relation to preferred causes in the Supreme Court and Court of Appeals.

Also, a bill to amend the Revised Statutes, in relation to division fences.

Also, a bill in relation to surrogate's office, Wayne county, and other purposes.

Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill to abolish the usury law.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to prevent frauds in the sale of tickets upon railroads, steamboats and steamships, passed April 15, 1857."

Also, a bill to amend an act to provide for the incorporation of fire insurance companies, passed June 25, 1853.

Mr. Lapham gave notice that he would, at an early day, ask leave to introduce a bill repealing the act appropriating excise money to the New York State Inebriate Asylum, located at Binghamton.

Also, a bill for the purpose of supplying Sing Sing prison with water from the Croton aqueduct.

Also, a bill to enlarge Clinton prison.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act for the protection of the pilots of the channel of the East river, known as Hell Gate."

Also, a bill to repeal the act creating the board of commissioners of record, of the city of New-York.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill in relation to the election of inspectors of elections.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to provide for the appointment of a police justice in the village of Watertown, in the county of Jefferson.

Mr. Colvin gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 8, title 9, part 3rd of the Revised Statutes, entitled "Of proceedings for the recovery of rent and of demised premises."

Also, a bill to compel the attendance of witnesses before committees of common councils of the State, and other public municipal bodies, and to punish false swearing by such witnesses.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the Phoenix Hook and Ladder company, No. 1, at Chateaugay Four Corners, Franklin county.

In pursuance of previous notice, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to vest in boards of supervisors full powers of local legislation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Warner asked and obtained leave to introduce a bill entitled "An act in relation to the locks on the Oneida Lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Blood asked and obtained leave to introduce a bill entitled "An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river, in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend an act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, passed April 4, 1849, chap. 261," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Munroe asked and obtained

leave to introduce a bill entitled "An act for the relief of Nelson Phillips," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

In pursuance of previous notice, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act in relation to the fees of the county treasurer in the county of St. Lawrence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Williams asked and obtained leave to introduce a bill entitled "An act in relation to preferred causes in the Supreme Court, and Court of Appeals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Grant asked and obtained leave to introduce a bill entitled "An act for the relief of Annabella Crawford, and to release the interest of the State to certain lands of which her husband Wm. Crawford died seized, to her," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act authorizing E. D. Boreel and others, infant children, to hold and convey real estate conveyed to them by J. J. Astor, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Goss asked and obtained leave to introduce a bill entitled "An act conferring additional powers on courts of Special Sessions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Goss asked and obtained leave to introduce a bill entitled "An act authorizing boards of town auditors, to audit justices' and constables' claims, in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Goss asked and obtained leave to introduce a bill entitled "An act fixing the fees of justices of the peace, in both civil and criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Fiero,

Resolved, That a committee of three be appointed to revise the rules of the Senate.

Mr. Truman offered the following resolution:

Resolved, That 2,000 copies of the State Engineer's report on the

extension of the Chenango canal to the Pennsylvania line, be printed for the use of the Senate and Assembly.

Ordered, That said resolution be referred to the committee on public printing.

On motion of Mr. Manierre,

Resolved, That the papers and documents of James Hay, relative to the Leake escheat, be taken from the files of the Senate and referred to the committee on the judiciary.

Mr. Ketcham moved to reconsider the vote taken last evening by which Caleb S. Babcock was elected Second Assistant Sergeant-at-Arms, and N. D. Spencer chosen to attend to the files and documents.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Munroe	Richmond
Bell	Goss	Lawrence	J. M. Murphy	Rotch
Colvin	Grant	McGraw	P. P. Murphy	Sessions
Connolly	Hillhouse	Manierre	Prosser	Warner
Ferry	Kelly	Montgomery	Ramsey	Williams
Fiero	Ketcham			

27

FOR THE NEGATIVE.

Spinola	Truman	2
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Mr. Truman moved to refer said resolution to the committee on retrenchment.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the negative.

Mr. Goss offered the following resolution:

Resolved, That 1,000 copies of the annual report of the managers of the Western House of Refuge, be printed for the use of the managers of said institution.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Munroe offered the following resolution:

Resolved, That 2,500 extra copies of the annual report of the Superintendent of the Bank Department, be printed to the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Munroe offered the following resolution:

Resolved, That 2,500 extra copies of the annual report of the Comptroller, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Spinola offered the following resolution:

Resolved, That the Clerk of the Senate request the several treasurers of the cities and counties of this State, to report to the Senate the total expense incurred and paid by them respectively, in con-

nection with the election held on the 8th day of November, 1859; also, the December election, in the city of New York.

On motion of Mr. Ramsey, said resolution was laid on the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the Governor's message.

After some time spent thereon, the President resumed the chair, and Mr. Sessions, from said committee, reported progress, and asked and obtained leave to sit again.

On motion of Mr. McGraw, the Senate adjourned.

WEDNESDAY, JANUARY 11, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dyer.

The journal of yesterday was read and approved.

Mr. Williams presented a petition of inhabitants of Lyons, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Bell presented a petition of Hiram McCollum and twenty-five others, citizens of Carthage, Jefferson county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of John S. Smillet and others, against a law regulating the fisheries in Jefferson county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Robertson presented a petition of forty citizens of the county of Westchester, in favor of a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of sixty citizens of Westchester county, in favor of a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of Hell Gate pilots, against steam tugs and steam towing boats, which was read and referred to the committee on commerce and navigation.

Mr. Rotch presented a petition of inhabitants of Maryland, Otsego county, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Also, a petition of inhabitants of the town of Otsego, for the same purpose, which was read and referred to the select committee on that subject.

Mr. Ferry presented a petition of inhabitants of Trenton, Oneida county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Prosser presented a petition of inhabitants of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. McGraw presented a petition of inhabitants of Tioga county, for an extension of the Chenango canal to the Pennsylvania line, which was read and referred to the committee on canals.

Mr. Ketcham, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act incorporating the Dutchess Mutual Insurance company, passed April 12. 1836," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the State Engineer's report, on the extension of the Chenango canal, reported in favor of the adoption of the following resolution:

Resolved, That 1,500 extra copies of the report of the State Engineer, on the extension of the Chenango canal to the Pennsylvania State line, be printed for the use of the Senate and Assembly.

The President put the question whether the Senate would agree to the report of the committee; and it was decided in the affirmative.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the poor house and paupers in Dutchess county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act conferring additional powers on boards of town auditors," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the concurrent resolutions in relation to the adoption of the joint rules, with a message informing that they had concurred in the passage of the same, with the following amendment:

Rule 20th, 1st line, strike out the words "twentieth of March," and insert in lieu thereof the words "fifteenth of March."

Mr. Prosser moved that the Senate concur in the amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Ordered, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Richmond gave notice that he would, at an early day, ask leave to introduce a bill to provide for ascertaining and collecting the damages caused by the destruction of the Marine Hospital, and other buildings and property at Quarantine.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill for the protection of the property in trade, and the earnings of married women.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill in relation to the sale of lands in the county of Westchester, belonging to non-residents.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to amend an act to establish regulations for the port of New York, passed April 17, 1857, and the act amendatory thereof, passed April 15, 1858.

Mr. Kelly gave notice that he would, at an early day, ask leave to introduce a bill to amend the act entitled "An act to regulate the use of wharves and slips in the city of New York, which shall be leased to certain steamboat lines, passed April 15, 1858."

Mr. Kelly gave notice that he would, at an early day, ask leave to introduce a bill to legalize the acts of the common council of the city of New York, relative to certain acts passed during the years 1856, '57, '58 and '59.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill in relation to lands devised by Samuel Norsworthy, deceased.

A message from the Assembly was received and read, informing that they had concurred in the amendment of the Senate to the bill entitled as follows:

"An act to authorize the supervisors of the county of Rensselaer to audit bills for repairs of county buildings, and for other purposes."

Ordered, That the Clerk return said bill to the Assembly.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act concerning the pilots of the channel of East River, commonly called Hell Gate,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to provide for the appointment of a police justice in the village of Watertown," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to prevent frauds in the sale of tickets upon railroads, steamboats and steamships, passed April 15, 1857,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act to incorporate Phoenix Hook and Ladder company, No. 1, at Chateaugay Four Corners, Franklin county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike Road company, passed April 14, 1859,'" which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Williams asked and obtained leave to introduce a bill entitled "An act in relation to division fences," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to authorize John Nostant to keep a ferry across Cayuga lake, at Cayuga bridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to provide for the location of the surrogate's office, of Wayne county, and for furnishing the same, and for furnishing books for said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act relative to railroads in the city of New York," which was read the first time, and by unanimous consent was also read the second time.

Mr. Sessions moved to refer said bill to the committee on railroads.

Mr. Spinola moved to amend so as to refer said bill to a select committee consisting of the Senators from the city and county of New York.

Mr. Fiero moved to amend so as to refer to the committee on the incorporation of cities and villages.

The President put the question whether the Senate would agree to said motion of Mr. Fiero, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Lawrence	Munroe	Rotch
Blood	Hillhouse	McGraw	J. M. Murphy	Sessions
Colvin	Ketcham	Manierre	Ramsey	Truman
Ferry	Lapham	Montgomery	Richmond	Warner
Fiero				

21

FOR THE NEGATIVE.

Abell	Gardiner	Kelly	Prosser	Spinola
Connelly	Grant	P. P. Murphy	Robertson	Williams

10

In pursuance of previous notice, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to amend chapter 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to compel the attendance of witnesses before committees of common councils of the State, and

other public municipal bodies, and to punish false swearing by such witnesses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act authorizing notaries public of the State of New York to perform the duties now performed by justices of the peace and commissioners of deeds, also to confirm their acts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to authorize D. B. Carpenter and others, to build a draw-bridge over James creek, in Suffolk county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Robertson offered the following resolution:

Resolved, That Caleb S. Babcock be, and he is hereby appointed Second Assistant Sergeant-at-Arms.

Pending the question on the adoption of said resolution,

The hour of twelve o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The Senate proceeded to the consideration of the resolution pending at the hour of executive session.

The President put the question whether the Senate would agree to said resolution of Mr. Robertson, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Manierre	Prosser	Sessions
Connolly	Hammond	Montgomery	Ramsey	Spinola
Ferry	Kelly	Munroe	Robertson	Warner
Gardiner	Ketcham	J. M. Murphy	Rotch	Williams
Goss	Lapham			

22

FOR THE NEGATIVE.

Blood	Hillhouse	McGraw	Richmond	Truman
Colvin	Lawrence	P. P. Murphy		

8

On motion of Mr. Spinola,

Resolved, That the Clerk of the Senate, furnish to each Senator one copy of the Red Book, of last year.

The President announced the appointment of the following select committees:

On Rules of the Senate—Messrs. Fiero, Ramsey and Spinola.

On Petitions for aid to the Albany and Susquehanna Railroad.—Messrs. Ramsey, Hillhouse and Connolly.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the Governor's message.

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Gardiner, the Senate adjourned.

THURSDAY, JANUARY 12, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pohlman.

The journal of yesterday was read and approved.

Mr. Truman presented a petition of inhabitants of Tioga county, for an extension of the Chenango canal to the Pennsylvania line, which was read and referred to the committee on canals.

Mr. Bell presented a petition of the trustees and other citizens of North Watertown, in the county of Jefferson, for a separate road district, which was read and referred to the committee on roads and bridges.

Mr. Montgomery presented a petition of inhabitants of Chateaugay, Franklin county, for the appointment of commissioners of deeds in said county; and also for an act to amend chapter 219, Laws of 1859, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Warner presented a petition of J. M. McWhorter and others, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ferry presented a petition of citizens of Verona, Oneida co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Rotch presented two petitions of inhabitants of Maryland, Otsego county, for aid to the Albany and Susquehanna railroad, which were read and referred to the select committee on that subject.

Mr. McGraw presented a petition of inhabitants of Tioga county, for the extension of the Chenango canal to the Pennsylvania line, which was read and referred to the committee on canals.

Mr. Hammond presented a petition of supervisors of Steuben co., for a new county, which was read and referred to the committee on the erection and division of towns and counties.

Also, a petition of inhabitants of Steuben county, for a savings bank to be located at Corning, which was read and referred to the committee on banks.

Also, a petition of Henry Loucks, of Palatine Bridge, to amend the Code of Procedure, which was read and referred to the committee on the judiciary.

Mr. Hillhouse presented a petition of inhabitants of the town of Seneca, in the county of Ontario, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Colvin presented two petitions of landholders of the towns of Bern and Westerlo, Albany county, for laws to protect their rights of property, which were read and referred to the committee on the judiciary.

Mr. Prosser presented a petition of inhabitants of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Bell presented a petition of the trustees of the Antwerp Liberal Institute, for relief, which was read and referred to the committee on literature.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the petition of citizens of Jefferson county, for a law prohibiting the catching of fish in the waters of Lake Ontario, reported in writing, adversely to the prayer of the petitioners, which report was agreed to.

(See Doc. No. 10.)

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Superintendent of the Bank Department, reported in favor of the adoption of the following resolution :

Resolved, That 1,750 extra copies of the annual report of the Superintendent of the Bank Department, be printed for the use of the Senate, and 250 for the use of the Superintendent of the Bank Department.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Comptroller, reported in favor of the adoption of the following resolution :

Resolved, That 2,000 extra copies of the annual report of the Comptroller, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the managers of the Western House of Refuge, reported in favor of the adoption of the following resolution :

Resolved, That 500 copies of the annual report of the managers of the Western House of Refuge, be printed for the use of the managers of said institution.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to repeal an act to authorize the election of a special judge and surrogate, in the county of Essex," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the the judiciary, to which was referred the bill entitled "An act authorizing notaries public of

the State of New York, to perform the duties performed by justices of the peace and commissioners of deeds, and to confirm their acts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to increase the jurisdiction and fees of the civil justice of the peace for the city of Hudson," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the commissioner of highways in the town of Orange, in the county of Rockland, to build a bridge across the Sparkill," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to construct and protect sidewalks along highways, repealing chapter 324, Laws of 1854, entitled An act to amend chapter 281 of the Session Laws of 1836, entitled An act to protect sidewalks along highways, passed May 10, 1836, and also repealing said chapter 281, Laws of 1836, entitled An act to protect side-walks along highways, passed May 10, 1836," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize John Nostrant to keep a ferry across Cayuga lake, at Cayuga bridge," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Phoenix Hook and Ladder Co., No. 1, at Chateaugay Four Corners, Franklin county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill :

"An act to extend the time for the completion of the Buffalo, Bradford and Pittsburgh Railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to constitute the village of North Watertown, in the county of Jefferson, a separate road district.

Also, a bill for the relief of the Antwerp Liberal Literary Institute, at Antwerp, Jefferson county.

Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill for the relief of the Academy of Music, in the city of New York.

Mr. J. M. Murphy gave notice that he would, at an early day, ask

leave to introduce a bill to confirm and legalize a resolution of the common council of the city of New York.

Also, a bill to prevent frauds in the sale of hay.

Mr. Richmond gave notice that he would, at an early day, ask leave to introduce a bill in regard to divorces dissolving the marriage contract.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to amend the Metropolitan Police Law.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to amend the act entitled "An act relative to the construction of railroads in cities, passed April 4, 1854."

Mr. Hammond gave notice that he would, at an early day, ask leave to introduce a bill for the construction of a railroad in the 7th avenue and certain streets in the city of New York ; also in Avenue A, and certain other streets.

In pursuance of previous notice, Mr. McGraw asked and obtained leave to introduce a bill entitled "An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies, to vote by proxy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Grant asked and obtained leave to introduce a bill entitled "An act to amend section 30 of the Code of Procedure, passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act to provide for ascertaining and collecting the damages caused by the destruction of the Marine Hospital, and other buildings and property at Quarantine," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend an act to establish regulations for the port of New York, passed April 17, 1857, and the act amendatory thereof, passed April 15, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to incorporate the Citizens' Savings bank, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Goss offered the following resolution :

Resolved, That 2,000 extra copies of the report of the State Assessors, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Goss offered the following resolution :

Resolved (if the Assembly concur,) That a committee of three be appointed to collate and codify the Laws relating to common schools in this State, that the Superintendent of Public Instruction, be one of such committee, and that each branch of the Legislature appoint a member thereof; that such committee have power to sit during the recess of the Legislature, and to make their report at the next session.

Ordered, That said resolution be laid on the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the Governor's message.

After some time spent thereon, the President resumed the chair, and Mr. Sessions, from said committee, reported progress, and asked and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bill entitled as follows :

"An act to amend an act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Lawrence, the Senate adjourned.

FRIDAY, JANUARY 13, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dyer.

The journal of yesterday, was read and approved.

Mr. Williams presented a petition of inhabitants of Wayne co., for pro rata freight law, for reimposition of tolls upon railroads competing with the canal, and for a penal law against use of free passes among legislative and judicial officers, which was read and referred to the select committee on that subject.

Also, a petition of John H. Fowler and sixteen others, for a bridge over Great Sodus bay, in Wayne county, which was read and referred to the committee on roads and bridges.

Mr. Warner presented a petition of Walter Read and others, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ferry presented a petition of inhabitants of Oneida county, to extend the Chenango canal to the State line, which was read and referred to the committee on canals.

Mr. McGraw presented a petition of James Walters and seventy-

five others, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Richmond presented a petition of inhabitants of Bern, Albany county, for the passage of laws to protect them in the enjoyment of their property, which was read and referred to the committee on the judiciary.

Mr. Truman presented a petition of residents of Tioga county, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Also, a petition of Hon. D. S. Dickinson and ninety others, inhabitants of Binghamton, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Ketcham presented a petition of George P. Brown and others, to change the name of Mary McKinley Scofield to Mary Louisa Brown, which was read and referred to the committee on the judiciary.

Mr. Grant presented a petition of seventy inhabitants of the town of Fremont, Sullivan county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of thirty-five inhabitants of Fremont Center, Sullivan county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Munroe presented a memorial of the board of supervisors of Onondaga county, for the enactment of a pro rata freight law, and the reimposition of tolls upon railroads parallel with the canals, which was read and referred to the select committee on that subject.

Mr. Ramsey presented a petition of inhabitants of Westerlo, Albany county, for the passage of laws to protect their rights of property, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Fulton county, for the passage of a law authorizing the town of Northampton to borrow money on the credit of said town, to rebuild a bridge, which was read and referred to the committee on roads and bridges.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the fees of the county treasurer, in the county of St. Lawrence," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend an act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854."

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the State Assessors, reported in favor of the adoption of the following resolution:

Resolved, That 2,000 extra copies of the report of the State Assessors, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend sections (27 and 29,) twenty-seven and twenty-nine, of title five, of 'An act to consolidate the cities of Brooklyn and Williamsburgh, and the town of Bushwick, into one municipal government, and to incorporate the same,' passed April 17, 1854," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act supplementary to an act entitled 'An act to provide for the continuance of Flatbush avenue from the city line of Brooklyn into the town of Flatbush,' passed April 17, 1854," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to wills," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to repeal an act entitled 'An act to equalize the State tax among the several counties of the State,'" reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Fiero, from the select committee, to which which was referred the rules of the Senate, reported in favor of the passage of the same, with amendments, which report was agreed to.

(*See Doc. No. 9.*)

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the Hope Fire Insurance company, in the city of New York.

Mr. Rotch gave notice that he would, at an early day, ask leave to introduce a bill to amend section 15, of title 6, chap. 1st, part 4th of the Revised Statutes, (III. R. S., 973, § 15.)

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the Homœopathic Medical College of the State of New York, in the city of New York.

In pursuance of previous notice, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act for the construction of a railroad in Seventh avenue, and certain streets in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to constitute the village

of North Watertown a separate road district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. J. M. Murphy, asked and obtained leave to introduce a bill entitled "An act to confirm and legalize the resolution of the common council of the city of New York, providing for the extension of the pier south side of pier number one, North river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice Mr. Prosser asked and obtained leave to introduce a bill entitled "An act to provide the means for the completion of the canals of the State, and fully supply them with water, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act for the relief of the Academy of Music, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act in relation to ferries between New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act in regard to divorces dissolving the marriage contract," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to release to John Hall the title of the State, acquired by escheat, in and to certain lands in Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal an act appointing the commissioners of records of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act exempting firemen from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act relative to lands devised

by Samuel Norsworthy, deceased," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, said bill was laid on the table.

The bill entitled "An act to amend an act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lawrence	J. M. Murphy	Rotch	
Blood	Gardiner	McGraw	P. P. Murphy	Scissions	
Colvin	Grant	Manierre	Prosser	Spinola	
Connolly	Hammond	Montgomery	Richmond	Truman	
Ferry	Hillhouse	Munroe	Robertson	Warner	25

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hammond moved to recommit the bill entitled "An act to amend chapter eight, title nine, part three of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises,' " to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lawrence offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn to meet on Monday evening next, at 7½ o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Ketcham	Munroe	Robertson	
Colvin	Goss	Lapham	Prosser	Rotch	
Connolly	Hammond	Lawrence	Ramsey	Spinola	
Fiero	Hillhouse	Manierre	Richmond		19

FOR THE NEGATIVE.

Bell	Grant	J. M. Murphy	Scissions	Warner	
Ferry	Montgomery	P. P. Murphy	Truman		9

Mr. Munroe offered the following resolution :

Resolved, That 1,500 extra copies of the annual report of the Auditor of the Canal Department, on the trade and tonnage of the canals, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

On motion of Mr. Lapham,

Resolved, That the Clerk be directed to purchase three copies of the fifth edition of the Revised Statutes, one copy for the use of the committee on roads and bridges, and two copies for the Senate Library.

On motion of Mr. Sessions,

Resolved, That the papers relating to the claim of S. Farwell and others, in relation to canal damages, be taken from the files of the Senate and referred to the committee on claims.

Mr. Lawrence moved that the senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the Governor's message.

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported progress, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend an act incorporating 'The Dutchess County Mutual Insurance company,' passed April 12, 1836, and extending for twenty years by an act passed April 9, 1855."

"An act conferring additional powers on boards of town auditors."

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Spinola, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Hammond, the Senate adjourned.

MONDAY, JANUARY 16, 1860—7½ O'CLOCK P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of Friday, was read and approved.

Mr. Warner presented a petition of Mason Salsbury and sixty-eight others, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Truman presented a petition of inhabitants of Tioga county, for an extension of the Chenango canal to the Pennsylvania line, which was read and referred to the committee on canals.

Mr. Hammond presented a petition of citizens of Corning, Steuben county, for a law conferring additional powers on the police justice of that village, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of the heirs of Mathew Sayre and Willis B. Sayre, for canal damages, which was read and referred to the committee on claims.

Also, a petition of W. B. Sayre, for canal damages, which was read and referred to the committee on claims.

Mr. Bell presented a petition of Dr. James K. Bates and twenty-five others, citizens of Watertown, Jefferson county, asking for an

amendment to the constitution, that the Legislature shall have power to enact a law prohibiting the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Gardiner presented a petition of Thomas Read and others, to remove steamboat landing from North to East river, which was read and referred to the committee on commerce and navigation.

Mr. Fiero presented a petition of landowners of Greenville, Greene county, for the passage of a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. McGraw presented a petition of Hon. John J. Foote, Charles Mason, H. C. Goodwin and many others, citizens of Madison county, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Richmond presented a petition of landowners of Poestenkill, in Rensselaer county, for the passage of laws to protect them in their right of property, which was read and referred to the committee on the judiciary.

Mr. Sessions presented a petition of 220 taxable inhabitants and voters of the village of Dunkirk, for a law amending their charter, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Prosser presented a petition of inhabitants of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ramsey presented a petition of inhabitants of Schoharie co., for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Colvin presented a petition of landowners of the town of New Scotland, Albany county, for laws to protect their rights of property, which was read and referred to the committee on the judiciary.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act conferring additional powers on courts of Special Sessions, except in the city and county of New York and city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chap. 261, entitled 'An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes,' passed April 4, 1849," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to compel the attendance of witnesses before committees of common councils of cities, and other public municipal bodies, and to punish false swearing by such witnesses," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the petition of Josiah Blackwell, praying that certain moneys expended by him on behalf of the State be refunded, reported and asked to be discharged from the further consideration thereof, and that the same be referred to the committee on claims, which was agreed to, and said petition so referred.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the name of Albert L. Hough, and make him the legal heir of Luman Hough, of the town of Richland, Oswego county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Connolly, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend an act incorporating 'The Dutchess County Mutual Insurance Company,' passed April 12, 1836, and extended for twenty years by an act passed April 9, 1855."

Mr. Lapham gave notice that he would, at an early day, ask leave to introduce a bill to refer the claim of Jacob D. Kingsland.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to authorize a part of the records and filed deeds of the counties of Oneida and Herkimer, to be transcribed and deposited in the clerk's office of the county of Jefferson.

Mr. Gardiner gave notice that he would, at an early day, ask leave to introduce a bill to amend the act in relation to superintendents of poor in Kings county.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, January 16, 1860.

To the Senate:—I transmit herewith the report of the Commissioners for the removal of Quarantine Station. Some of the suggestions it contains were referred to in my recent annual message, and are of a nature to call for early action on the part of the Legislature.

E. D. MORGAN.

Which was laid on the table and ordered printed.

(See Doc. No. .)

Mr. Prosser gave notice that he would, at an early day, ask leave to introduce a bill concerning the navigation of the canals and the collection of tolls.

Also, a bill making appropriations for the canal debt and the maintainance of the canals for the fiscal year commencing on the first day of October, 1860.

Also, a bill in relation to the Auditor of the Canal Department.

In pursuance of previous notice, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act in relation to bale hay and hay scales," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to secure to creditors a just

division of the estates of debtors who convey to assignees for the benefit of creditors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Ketcham, and by unanimous consent,

The bill entitled "An act to amend an act incorporating 'The Dutchess County Mutual Insurance Company,' passed April 12, 1836, and extended for twenty years by an act passed April 9, 1855," was amended by striking out the words "exclusive of the buildings thereon," at the end of the first section.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	J. M. Murphy	Richmond
Colvin	Goes	Lapham	P. P. Murphy	Robertson
Connolly	Grant	McDraw	Prosser	Sessions
Ferry	Hammond	Montgomery	Ramsey	Warner
Fiero	Kelly	Munroe		

23

FOR THE NEGATIVE.

Truman

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Lapham,

Resolved, That the Clerk of the Senate is hereby directed to procure one copy of the New York State Map and Gazetteer, published by R. P. Smith, said copy to be placed in the Senate Library.

Mr. Sessions offered the following resolution :

Resolved, That 300 copies of the Quarantine Commissioners' report be printed for the use of the Commissioners.

Ordered, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act in relation to the poor house and paupers in Dutchess county."

"An act conferring additional powers on boards of town auditors."

"An act authorizing notaries public of the State of New York to perform the duties now performed by justices of the peace and commissioners of deeds; also confirming the acts of notaries public."

After some time spent thereon, the President resumed the chair, and Mr. Ramsey, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to increase the jurisdiction and fees of the civil justice of the peace for the city of Hudson."

"An act authorizing the commissioners of highways of Orange-town, in the county of Rockland, to build a bridge across the Spar-kill."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported in favor of the passage of said bills, which report was agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Auditor of the Canal Department, on the trade and tonnage of the canals, reported in favor of the adoption of the following resolution:

Resolved, That 1,500 extra copies of the annual report of the Auditor of the Canal Department, on the trade and tonnage of the canals, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

On motion of Mr. Gardiner, the Senate adjourned.

TUESDAY, JANUARY 17, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Truman presented three petitions of inhabitants of Tioga co., for an extension of the Chenango canal to the Pennsylvania line, which were read and referred to the committee on canals.

Mr. Williams presented a petition of inhabitants of Cayuga co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of Wm. M. Smith and fourteen others, for a bridge over Great Sodus bay, in Wayne county, which was read and referred to the committee on roads and bridges.

Mr. Fiero presented a petition of citizens of the county of Ulster, for a law taxing freights on railroads, and for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ramsey presented a petition of inhabitants of Schoharie co., for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Abell presented a petition of D. D. McNair and sundry other

citizens of Sparta, for the passage of a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Blood presented a petition of inhabitants of Montgomery co., for State aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Munroe presented a petition of inhabitants of Onondaga co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Bell presented three petitions of inhabitants of the county of Jefferson, for relief of the Antwerp Liberal Literary Institute, which were read and referred to the committee on literature.

Mr. Warner presented two petitions of inhabitants of Oswego co., for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Hammond presented a petition of John N. Elmore, of New York, asking for the repeal of the law of January 14, 1859, which was read and referred to the committee on the judiciary.

Also, a petition of inhabitants of Steuben county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Goss presented three petitions, of inhabitants of Monroe co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Colvin presented a petition of landowners of Coeymans, Albany county, for the passage of laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Truman presented a petition of Hon. R. Balcolm and thirty-six others, inhabitants of Binghamton, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Sessions presented a petition of inhabitants of Cattaraugus co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Bell presented a petition for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Prosser presented a petition of inhabitants of Erie county, for the passage of a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act authorizing the commissioners of the highways of Orangetown, in the county of Rockland, to build a bridge across the Spar-kill."

"An act to increase the jurisdiction and fees of the civil justice of the peace of the city of Hudson."

"An act in relation to the poor house and paupers in Dutchess county."

Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the

Quarantine Commissioners, reported in favor of the adoption of the following resolution:

Resolved, That 300 copies of the Quarantine Commissioners' report be printed for the use of the Commissioners.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act in relation to the cutting of ice on the Hudson river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to authorize the rebuilding a bridge across Great Sodus bay, in the town of Huron, in the county of Wayne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to authorize a part of the records and filed deeds of the counties of Oneida and Herkimer, to be transcribed and deposited in the clerk's office of the county of Jefferson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to incorporate 'The Homoeopathic Medical College,' of the State of New York, in New York city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

In pursuance of previous notice, Mr. Grant asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Cohecton Bridge company,' passed April 7, 1817," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act referring the claim of Jacob D. Kingsland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

In pursuance of previous notice, Mr. Prosser asked and obtained leave to introduce a bill entitled "An act making appropriations for the canal debt and the maintenance of the canals for the fiscal year commencing on the first day of October, eighteen hundred and sixty," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Prosser asked and obtained leave to introduce a bill entitled "An act in relation to the Auditor

of the Canal Department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Prosser asked and obtained leave to introduce a bill entitled "An act concerning the navigation of the canals and the collection of tolls," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend an act in relation to commercial paper, passed April 14, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act in relation to the poor house and paupers in Dutchess county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Munroe	Richmond
Bell	Goss	Lapham	J. M. Murphy	Robertson
Colvin	Hammond	McGraw	P. P. Murphy	Sessions
Connelly	Hillhouse	Manierre	Prosser	Truman
Ferry	Kelly	Montgomery	Ramsey	Warner

26

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to increase the jurisdiction and fees of the civil justice of the peace for the city of Hudson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Montgomery	Richmond
Bell	Gardiner	Ketcham	Munroe	Robertson
Blood	Goss	Lapham	J. M. Murphy	Sessions
Colvin	Grant	McGraw	P. P. Murphy	Truman
Connelly	Hammond	Manierre	Prosser	Warner
Ferry	Hillhouse			

27

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the commissioners of highways of Orangetown, in the county of Rockland, to build a bridge across the Sparkill," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Montgomery	Richmond
Bell	Gardiner	Ketcham	Munroe	Robertson
Blood	Goss	Lapham	J. M. Murphy	Sessions
Colvin	Grant	McGraw	P. P. Murphy	Truman
Connolly	Hammond	Manierre	Prosser	Warner
Ferry	Hillhouse			

27

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Truman offered the following resolution :

Resolved, That the extra copies of the report of the State Engineer and Surveyor, on the extension of the Chenango canal, ordered for the use of the Senate and Assembly, be transmitted to the State Engineer and Surveyor for his use.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative.

Mr. Truman moved to reconsider the vote on said resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Grant moved to amend so as to give the State Engineer and Surveyor "500" copies, and the balance to the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Munroe offered the following resolution :

Resolved, That 1,500 extra copies of the report of the State Engineer and Surveyor, on the canals, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act authorizing notaries public of the State of New York to perform the duties now performed by justices of the peace and commissioners of deeds; also confirming the acts of notaries public."

"An act to construct and protect sidewalks along highways, repealing chapter 324, Laws of 1854, entitled 'An act to amend chapter 281 of the Session Laws of 1836, entitled 'An act to protect sidewalks along highways,' passed May 10, 1836,' and also repealing said chapter 281, Laws of 1836, entitled 'An act to protect sidewalks along highways,' passed May 10, 1836.'"

"An act to incorporate Phoenix Hook and Ladder Co. No. 1, at Chateaugay Four Corners, Franklin county."

After some time spent thereon, the President resumed the chair, and Mr. Fiero, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Truman renewed the motion made in committee of the whole, to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Grant	Truman				2
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FOR THE NEGATIVE.

Bell	Gardiner	Lapham	J. M. Murphy	Richmond	
Colvin	Hammond	McGraw	P. P. Murphy	Robertson	
Connolly	Hillhouse	Manierre	Prosser	Sessions	
Ferry	Kelly	Montgomery	Ramsey	Warner	
Fiero	Ketcham	Munroe			23

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

Mr. Fiero, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bill entitled as follows :

"An act in relation to the fees of the county treasurer in the county of St. Lawrence."

After some time spent thereon, the President resumed the chair, and Mr. Ketcham, from said committee, reported in favor of the passage of said bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

The President presented a communication from the New York State Military Association, inviting the members of the Senate to attend and hear the annual address of Adjutant General Townsend.

On motion of Mr. Hammond, the invitation was accepted.

On motion of Mr. Ketcham, the Senate adjourned.

WEDNESDAY, JANUARY 18, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Truman presented a petition of inhabitants of Tioga county, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Bell presented a petition of thirty-nine citizens of the town of Pamela, Jefferson county, for the passage of a law to prohibit the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Also, two petitions of citizens of Jefferson county, for aid to the Antwerp Liberal Literary Institute, which were read and referred to the committee on literature.

Also, a petition of fifty-seven citizens of the town of Rodman, Jefferson county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Goss presented a petition of G. L. G. Seeley and ninety-five other citizens of Fairport, Monroe county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Blood presented a petition of supervisors of Saratoga county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of inhabitants of Montgomery county, for State aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Ketcham presented a petition of A. B. Scott and others, of the city of Hudson, for an amendment of the law with regard to protests, which was read and referred to the committee on banks.

Mr. Ramsey presented a petition of inhabitants of Schoharie co., for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. J. M. Murphy presented a petition of citizens of the city of New York, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Warner presented two petitions of citizens of Oswego county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Gardiner presented a petition of citizens of Kings county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. McGraw presented a petition of Messrs. Murphy, Robertson, Ketcham and others, for an extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Rotch presented a petition of inhabitants of Maryland, Otsego county, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Lawrence presented a petition of inhabitants of New York, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of John T. Mills, of the city of New York, for a railroad through certain streets in that city, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of residents of the counties adjoining and adjacent to the city and county of New York, relative to the assessment law, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Manierre presented two petitions of citizens of New York, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Williams presented a petition of Jonathan Averill and four-

teen others, for a bridge over Great Sodus Bay, in Wayne county, which was read and referred to the committee on roads and bridges.

Mr. Munroe presented a petition of Elias W. Leavenworth and others, owners of lands in the town of Geddes, praying that all lands not embraced within the corporate limits of the village of Geddes, may be placed under the care and supervision of the commissioners of highways of said town, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Goss presented two petitions of citizens of Monroe county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Fiero presented a petition of citizens of the city and county of New York, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Sessions presented a petition of citizens of Mina, Chautauqua county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a resolution of the board of supervisors of Chautauqua co., for repeal of law creating office of special judge and surrogate; also a resolution of same body, asking for repeal of law increasing the fees for printing legal notices, which were read and referred to the committee on the judiciary.

Also, a resolution of same body, in favor of a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Prosser presented a petition of inhabitants of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Lawrence presented a petition of inhabitants of Suffolk co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Spinola presented a petition of J. S. T. Stranahan, Samuel Smith, A. A. Low, Cyrus P. Smith and one hundred others, in favor of an alteration of the Brooklyn water act, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to construct and protect sidewalks along highways, repealing chapter 324, laws of 1854, entitled 'An act to amend chapter 281 of the Session Laws of 1836, entitled 'An act to protect sidewalks along highways,' passed May 10, 1836,' and also repealing said chapter 281, Laws of 1836, entitled 'An act to protect sidewalks along highways,' passed May 10, 1836."

"An act in relation to the fees of the county treasurer in the county of St. Lawrence."

"An act to incorporate Phoenix Hook and Ladder Co. No. 1, at Chateaugay Four Corners, Franklin county."

Mr. Hammond, from the committee on the the judiciary, to which was referred the bill entitled "An act to secure a just division of the estates of debtors who convey to assignees for the benefit of creditors,"

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 30 of the Code of Procedure, passed April 12, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Arabella Crawford, and to release the interest of the State to certain lands of which her husband, William Crawford, died seized, to her," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to release to John Hall the title of this State acquired by escheat, in and to certain lands in Westchester county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the State Engineer and Surveyor on the canal, reported in favor of the adoption of the following resolution :

Resolved, That 1,500 extra copies of the report of the State Engineer and Surveyor, on the canals, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Robertson, from a majority of the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act concerning the pilots of the channel of East river, commonly called Hell Gate,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, in the words following, to wit :

Resolved, That a respectful message be sent to the Hon. the Senate, requesting that body to transmit to this House the papers on its files relating to the claim of S. P. Cunningham for canal damages.

Ordered, That the Clerk transmit said papers.

Mr. Lawrence gave notice that he would, at an early day, ask leave to introduce a bill authorizing the board of supervisors of Richmond county, to raise money by tax for the benefit of the uniformed militia located in said county.

Mr. Grant gave notice that he would, at an early day, ask leave to introduce a bill to make the office of commissioner of deeds, and also the office of notary public, elective offices, to be elected at the annual town meetings, in the same manner as other town officers.

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill to amend "An act to authorize the formation

of corporations for manufacturing, mining, mechanical and chemical purposes, passed February 17, 1848."

Also, a bill to amend "An act to incorporate the village of Geddes, passed April 20, 1832."

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to amend chapter 2, of part 4 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad through Avenues A and B, and in certain streets in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Hammond, from the committee on the judiciary, to which was referred the petition of George T. Brown and others, to change the name of Mary McKinley Scofield to Mary Louisa Brown, reported a bill entitled "An act to change the name of Mary McKinley Scofield to Mary Louisa Brown," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The bill entitled "An act to construct and protect sidewalks along highways, repealing chapter 324, laws of 1854, entitled 'An act to amend chapter 281 of the Session Laws of 1836, entitled 'An act to protect sidewalks along highways,' passed May 10, 1836,' and also repealing said chapter 281, laws of 1836, entitled 'An act to protect sidewalks along highways,' passed May 10, 1836," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Montgomery	Robertson
Bell	Goss	Lapham	Munroe	Rotch
Blood	Grant	Lawrence	J. M. Murphy	Truman
Connolly	Hammond	McGraw	P. P. Murphy	Warner
Ferry	Hillhouse	Manierre	Richmond	Williams
Fiero	Kelly			

27

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate Phoenix Hook and Ladder Company No. 1, at Chateaugay Four Corners, Franklin county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	P. P. Murphy	Sessions
Bell	Goss	Lapham	Ramsey	Spinola

Blood	Grant	Lawrence	Richmond	Truman
Connolly	Hammond	Montgomery	Robertson	Warner
Ferry	Hillhouse	J. M. Murphy	Rotch	Williams
Fiero	Kelly			

27

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the fees of the county treasurer in the county of St. Lawrence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	J. M. Murphy	Rotch
Bell	Grant	Lawrence	P. P. Murphy	Sessions
Blood	Hammond	McGraw	Prosser	Truman
Ferry	Hillhouse	Manierre	Ramsey	Warner
Fiero	Kelly	Montgomery	Richmond	Williams
Gardiner	Ketcham	Munroe	Robertson	

29

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President presented a communication from the Commissioners appointed to ascertain the boundary line between the States of New York and Connecticut, transmitting a report of their proceedings, together with the expenses incident thereto, which was read, laid on the table and ordered printed.

(See Doc. No. .)

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, and after some time spent therein,

The hour of twelve o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act conferring additional powers on boards of town auditors."

"An act to authorize John Nostrant to establish and maintain a ferry across the Cayuga lake at Cayuga Bridge."

"An act to amend sections 27 and 29, of title 5 of 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854."

After some time spent thereon, the President resumed the chair, and Mr. Richmond, from said committee, reported in favor of the passage of said bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bill entitled as follows:

"An act relating to wills."

After some time spent thereon, the President resumed the chair, and Mr. McGraw, from said committee, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Lawrence, the Senate adjourned.

THURSDAY, JANUARY 19, 1860.

The Senate met pursuant to adjournment.

Prayer by Rabbi Falk.

The journal of yesterday was read and approved.

Mr. Truman presented a petition of Wm. DeForest and other inhabitants of Binghamton, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Also, three petitions of inhabitants of Tioga and Broome counties, for the extension of the Chenango canal, which were read and referred to the committee on canals.

Also, a petition of members of the bar of Broome county, asking for the passage of the concurrent resolutions amending the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. Hillhouse presented a petition of inhabitants of East Bloomfield, in the county of Ontario, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. McGraw presented a petition of W. Babcock and others, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Also, a petition of Cornelius Mahoney, for aid to publish new system of teaching music to the blind, which was read and referred to the committee on charitable and religious societies.

Mr. Williams presented a petition of Alexis Ward and fifteen others, for a bridge over Great Sodus bay, in Wayne county, which was read and referred to the committee on roads and bridges.

Mr. Warner presented two petitions of inhabitants of Wayne and Oswego counties, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Rotch presented two petitions of inhabitants of Otsego county, for aid to the Albany and Susquehanna railroad, which were read and referred to the select committee on that subject.

Mr. J. M. Murphy presented a petition of citizens of New York, for the passage of an act to prevent frauds in sale of hay, which was read and referred to the committee on agriculture.

Mr. Grant presented a petition of landowners of Guilderland, Albany county, for laws to protect their rights of property, which was read and referred to the committee on the judiciary.

Also, a petition of inhabitants of Cohecton, Sullivan county, for a

pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Manierre presented a petition of the Farmers' Loan and Trust company, of the city of New York, for an alteration of their charter, which was read and referred to the committee on banks.

Mr. Ramsey presented a petition of inhabitants of Schoharie co., for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Bell presented a petition of twenty-six citizens of the town of Orleans, Jefferson county, for amendment of the constitution, to prohibit the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of seventy-two citizens of Lyme, Jefferson co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a remonstrance of eighty-five citizens of Jefferson county, against the passage of a law to regulate fisheries of said county, which was read and laid on the table.

Also, a petition of inhabitants of Tioga county, for extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act fixing the fees of justices of the peace, in both civil and criminal cases," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to exempt firemen of the several cities and incorporated villages of this State from taxation upon their real and personal property, to the amount of five hundred dollars," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing Eliza D. Boreel and others, infant children, to hold and convey real estate conveyed to them by J. J. Astor, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prosser, from the committee on canals, to which was referred the bill entitled "An act making appropriations for the canal debt, and the maintenance of the canals for the fiscal year commencing on the 1st day of October, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act relative to railroads in the city of New York," reported in favor of the passage of the same, with amendments.

Mr. Spinola moved to lay said bill on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	J. M. Murphy	Rotch	Spinola	
Colvin	Grant	Robertson	Sessions	Warner	
Fiero	Manierre				12

FOR THE NEGATIVE.

Abell	Hammond	Ketcham	Monroe	Richmond	
Bell	Hillhouse	McGraw	Prosser	Truman	
Connolly	Kelly	Montgomery	Ramsey	Williams	
Ferry					16

Said bill was then committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act conferring additional powers on boards of town auditors."

"An act authorizing notaries public of the State of New York to perform the duties now performed by justices of the peace and commissioners of deeds; also confirming the acts of notaries public."

"An act to authorize John Nostrant to establish and maintain a ferry across Cayuga lake, at Cayuga bridge."

"An act to amend sections twenty-seven and twenty-nine, of title five, of 'An act to consolidate the cities of Brooklyn and Williamsburgh, and the town of Bushwick, into one municipal government, and to incorporate the same,' passed April 17, 1854."

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills :

"An act to legalize the acts of John Kelly, as plankroad inspector," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the Revised Statutes in relation to security for costs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the first section of an act passed April 6, 1859, entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to confer certain powers upon the superintendent of the poor of the county of Genesee," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act for the construction of a workhouse in the county of Monroe,' passed May 27, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act for the relief of 'The Corporation for the relief of Widows and Children of Clergymen of the Protestant Episcopal Church in the State of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act entitled 'An act to incorporate the Fire-

man's Benevolent Association of Rochester,' passed April 13, 1837 ; also to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed May 13, 1845,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize county clerks to enter satisfaction of judgments in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the trustees of School district No. 12, in the towns of Ridgeway and Shelby, Orleans county, to raise money by tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill enlarging the powers of the judges of the Courts of Oyer and Terminer, and to establish a board on pardon.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to amend the registry law.

Mr. Ketchum gave notice that he would, at an early day, ask leave to introduce a bill to amend an act passed March 10, 1834, entitled "An act to incorporate the fire department of the city of Hudson."

Mr. Spinola gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the Dime Savings bank of Jamaica, Long Island.

Also, a bill in relation to the rights and liabilities of owners and lessors and of lessees and occupants of buildings.

In pursuance of previous notice, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed Feb. 17, 1843," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

In pursuance of previous notice, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Geddes,' passed April 20, 1832," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Hope Fire Insurance company, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act for the enlargement of Clinton prison," which was read the first time, and by una-

nimous consent was also read the second time, and referred to the committee on State prisons.

In pursuance of previous notice, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act for the protection of the property in trade and the earnings of married women," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to authorize Henry Billingham and William C. Rowley to apply to the surrogate of Munroe county for leave to sell the real estate of S. Marvin Hughes, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act authorizing notaries public of the State of New York to perform the duties now performed by justices of the peace or commissioners of deeds; also confirming the acts of notaries public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	P. P. Murphy	Rotch
Bell	Goss	Lapham	Prosser	Sessions
Colvin	Hammond	McGraw	Ramsey	Warner
Connelly	Hillhouse	Manierre	Richmond	Williams
Ferry	Kelly	Montgomery	Robertson	

24

FOR THE NEGATIVE.

Grant	J. M. Murphy	Truman	
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8

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act conferring additional powers on boards of town auditors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	McGraw	P. P. Murphy	Sessions
Bell	Hammond	Manierre	Prosser	Truman
Connelly	Hillhouse	Montgomery	Robertson	Warner
Ferry	Kelly	J. M. Murphy	Rotch	Williams
Goss				

21

FOR THE NEGATIVE.

Colvin	Fiero	Ketcham	Richmond	
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4

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize John Nostrant to establish and maintain a ferry across the Cayuga lake at Cayuga Bridge," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Rotch
Bell	Goss	McGraw	P. P. Murphy	Sessions
Blood	Hammond	Manierre	Prosser	Truman
Colvin	Hillhouse	Montgomery	Richmond	Warner
Connolly	Kelly	Munroe	Robertson	Williams
Ferry	Ketcham			

27

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend sections 27 and 29, of title 5 of 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Montgomery	Robertson
Bell	Goss	Lapham	Munroe	Rotch
Blood	Hammond	Lawrence	P. P. Murphy	Sessions
Connolly	Hillhouse	McGraw	Prosser	Warner
Ferry	Kelly	Manierre	Richmond	Williams

25

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ketcham offered the following resolution :

Resolved, That 1,000 extra copies of the report of the Commissioners appointed to determine and settle the boundary line between New York and Connecticut, be printed—300 for the Commissioners, and 700 for the Senate.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Munroe offered the following resolution :

Resolved, That 1,000 extra copies of the report of the Superintendent of the Onondaga Salt Springs, be printed for the use of the Senate, and 500 copies for the use of the Superintendent.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Munroe offered the following resolution :

Resolved, That 1,000 extra copies of the report of the Trustees of the Asylum for Idiots, be printed for the use of the Senate, and 500 copies for the Superintendent.

Ordered, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act conferring additional powers and duties on Courts of Special Sessions, except in the city and county of New York and city of Albany."

"An act to amend chapter 261, entitled 'An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes,' passed April 4, 1849."

"An act to compel the attendance of witnesses before committees of common councils of cities, and to punish false swearing by such witnesses."

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Ferry, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to confirm the name of Albert L. Hough and constitute him a legal heir of Luman Hough, of the town of Richland, Oswego county."

Assembly bill, "An act to repeal the act entitled 'An act to authorize the election of a special judge and surrogate in the county of Essex.'"

After some time spent thereon, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Munroe, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Goss, the Senate adjourned.

FRIDAY, JANUARY 20, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Cushing.

The journal of yesterday, was read and approved.

Mr. Truman presented three petitions of citizens of Tioga county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Also, a petition of H. D. Pinney and eighty-two others, citizens of Tioga county, for a personal liberty bill, which was read and referred to the committee on the judiciary.

Also, a petition of Hon. L. Dimmick and others, of Binghamton, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Also, three petitions of citizens of Tioga county, for the extension of the Chenango canal, which were read and referred to the committee on canals.

Mr. Connolly presented two petitions of B. H. Cook, George W. Perkins and others, of New York city, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Goss presented two petitions of Jesse Brown, Richard Swift, and other citizens of Monroe county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Hammond presented a petition of inhabitants of Steuben co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Abell presented two petitions of inhabitants of Allegany and Livingston counties, for a pro rata freight law, which were read and referred to the select committee on that subject.

Also, a petition of Joseph Marvin and sundry other citizens of Livingston county, for a law to protect fish in Hemlock lake, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Warner presented a petition of inhabitants of Oswego co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Grant presented a petition of tax payers of Monticello, Sullivan county, to make said village a separate road district, which was read and referred to the committee on the incorporation of cities and villages.

Also, two petitions of inhabitants of Callicoon, Sullivan county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Bell presented a petition of forty-four citizens of Orleans, Jefferson county, for a law to prohibit the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of O. V. Brainard and others, of Watertown, for an amendment of the law concerning protests, which was read and referred to the committee on banks.

Also, a petition of Jesse E. Willis and others, for relief to the Antwerp Liberal Literary Institute, which was read and referred to the committee on literature.

Mr. Gardiner presented a petition of inhabitants of Brooklyn, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of Julia Arboleda and Peter Murray, in reference to land in escheat, which was read and referred to the committee on the judiciary.

Mr. McGraw presented a petition of J. H. Dennison and others, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Rotch presented two petitions of inhabitants of Otsego county, for aid to the Albany and Susquehanna railroad, which were read and referred to the select committee on that subject.

Mr. Munroe presented a petition of inhabitants of Onondaga co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Prosser presented two petitions of inhabitants of Erie county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Colvin presented two petitions of landowners of Albany and Rensselaer counties, for laws to protect them in their rights of property, which were read and referred to the committee on the judiciary.

Mr. Williams presented a petition of inhabitants of Cayuga county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of inhabitants of the town of Wolcott, in Wayne county, for a bridge over Great Sodus bay, in said county; also, a petition of inhabitants of Huron, Wayne county, on same subject; which were read and referred to the committee on roads and bridges.

Mr. Ferry presented a petition of inhabitants of Oneida county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a memorial of supervisors of Oneida county, as to the inequality and injustice of the assessments of the State Assessors, which was read and committed to the committee of the whole.

Also, a resolution of the board of supervisors of Oneida county, for the repeal of the 17th section of the excise law, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a memorial of Oneida County Medical Society, in favor of the appointment of a commissioner of lunacy, which was read and referred to the committee on medical societies.

Also, resolutions of common council of the city of Utica, asking for an amendment to the charter, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act authorizing the trustees School district number twelve, in the towns of Ridgeway and Shelby, Orleans county, to raise money by tax," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Grant, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act for the relief of the corporation for the relief of the widows and children of clergymen of the Episcopal church, in the State of New York,"

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend the first section of an act passed April 6, 1859, entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the the judiciary, to which was referred the Assembly bill entitled "An act to authorize county clerks to enter satisfaction of judgments in certain cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts of John Kelly, as plankroad inspector," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to division fences," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the cutting of ice on the Hudson river," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to compel the attendance of witnesses before committees of common councils of cities, and to punish false swearing by such witnesses."

"An act to confirm the name of Albert L. Hough and constitute him a legal heir of Luman Hough, of the town of Richland, Oswego county."

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Commissioners appointed to determine and settle the boundary line between New York and Connecticut, reported in favor of the adoption of the following resolution:

Resolved, That 500 extra copies of the report of the Commissioners appointed to determine and settle the boundary line between New York and Connecticut, be printed—100 for the Commissioners, and 400 for the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the

Trustees of the Asylum for Idiots, reported in favor of the adoption of the following resolution :

Resolved, That 1,000 extra copies of the report of the Trustees of the Asylum for Idiots, be printed for the use of the Senate, and 500 copies for the Superintendent of the Asylum.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Superintendent of the Onondaga Salt Springs, reported in favor of the adoption of the following resolution :

Resolved, That 1,000 extra copies of the report of the Superintendent of the Onondaga Salt Springs, be printed for the Senate, and 500 copies for the use of the Superintendent.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Rotch, from the committee on agriculture, to which was referred the bill entitled "An act in relation to bale hay and hay scales," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a communication from the Bank of America, in relation to the assessment of taxes upon said bank in 1859, as requested by Commissioners of Taxes, which was read, laid on the table and ordered printed.

(See Doc. No. .)

Mr. Grant gave notice that he would, at an early day, ask leave to introduce a bill to constitute the village of Monticello, in the county of Sullivan, a separate road district, and to enlarge the powers of the officers of said corporation.

Mr. Gardiner gave notice that he would, at an early day, ask leave to introduce a bill for the relief of Peter Murray.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act enlarging the powers of the courts of Oyer and Terminer, and establishing a board on pardon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act in relation to the seventy-third regiment of uniformed militia, located in Richmond county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to incorporate the Suffolk County Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to incorporate the Dime Savings Bank, of Jamaica," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act relating to unclaimed deposits in savings banks," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes, in relation to punishment for crimes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to compel the attendance of witnesses before committees of common councils of cities, and to punish false swearing by such witnesses," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Munroe	Robertson
Bell	Goss	Lawrence	J. M. Murphy	Rotch
Blood	Grant	McGraw	P. P. Murphy	Sessions
Colvin	Hammond	Manierre	Prosser	Warner
Ferry	Hillhouse	Montgomery	Richmond	Williams
Fiero				

26

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the name of Albert L. Hough and constitute him a legal heir of Luman Hough, of the town of Richland, Oswego county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Munroe	Robertson
Bell	Fiero	Lapham	J. M. Murphy	Rotch
Blood	Goss	Lawrence	P. P. Murphy	Sessions
Colvin	Grant	McGraw	Prosser	Warner
Connolly	Hammond	Manierre	Richmond	Williams

25

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend chapter 261, entitled 'An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes,' passed April 4, 1849."

Assembly bill, "An act to repeal the act entitled 'An act to authorize the election of a special county judge and surrogate in the county of Essex.'"

"An act to amend section 30 of the Code of Procedure of the State of New York."

After some time spent thereon, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first named bill, without amendment.

Mr. Spinola renewed the amendment offered in committee of the whole, as follows:

"§ 3. Every mechanic and laborer employed in this State shall receive double the stipulated wages on either of the days enumerated in the preceding sections in case his employer requires his services on either of those days."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood
Connolly
Gardiner

Grant
Lawrence

Montgomery
J. M. Murphy

Sessions
Spinola

Truman
Warner

11

FOR THE NEGATIVE.

Bell
Colvin
Ferry
Fiero

Goss
Hammond
Hillhouse

Lapham
McGraw
Manierre

Munroe
P. P. Murphy
Prosser

Ramsey
Richmond
Rotch

16

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

Mr. Robertson, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson, from the same committee, reported in favor of the passage of the last named bill, without amendment.

Mr. Ramsey moved to recommit said bill to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to release the interest of the State in certain lands of which William Crawford died seized, to Annabella Crawford."

"An act to release to John Hall the title of this State, acquired by escheat, in and to certain lands in Westchester county."

"An act to amend an act entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847."

After some time spent thereon, the President resumed the chair, and Mr. Lapham, from said committee, reported in favor of the passage of said bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the Governor's message.

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported progress, and asked and obtained leave to sit again.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act to amend the act entitled 'An act relative to the construction of railroads in cities,' passed April 4, 1854," which was read the first time, and by unanimous consent was also read the second time.

Mr. Robertson moved to refer said bill to the committee of the whole, having in charge the Senate bill on same subject.

Mr. Spinola moved to amend, so as to refer said bill to the committee on the incorporation of cities and villages.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative.

Mr. Spinola moved to amend, so as to refer said bill and to recommit the Senate bill on the same subject, to the committee on the incorporation of cities and villages.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Lapham	Montgomery	Prosser	Spinola
Blood	Lawrence	Munroe	Ramsey	Truman
Colvin	McGraw	P. P. Murphy	Sessions	Warner
Hillhouse	Manierre			

17

FOR THE NEGATIVE.

Abell	Fiero	Grant	J. M. Murphy	Robertson
Connolly	Gardiner	Hammond	Richmond	Rotch
Ferry				

11

"An act to legalize certain doings of the Charleston Congregational Society in Lima, Livingston county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act making appropriations to pay the interest on the temporary loan, and to provide for the payment of the floating debt of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to alter the map of the late village of Williamsburgh, now city of Brooklyn, by striking out a part of a street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to amend an act entitled 'An act for the relief of Thomas F. Woodworth,' passed April 16, 1859," which was read the first

time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to amend an act entitled 'An act to revise the charter of the city of Syracuse, passed March 3, 1857,' and also to amend an act entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Syracuse,' passed March 3, 1857,' passed April 17, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the shareholders of the Lockport Gas Light company to reduce the number of the directors of said company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. P. P. Murphy and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	P. P. Murphy	Retch
Bell	Gardiner	McGraw	Prosser	Seaborn
Blood	Goss	Montgomery	Ramsey	Truman
Connolly	Grant	Munroe	Richmond	Warner
Ferry	Hammond	J. M. Murphy	Robertson	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

"An act to confirm the incorporation of the Oswego Chair Factory, of the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

By unanimous consent, Mr. Fiero offered the following resolution:

Resolved, That when the Senate adjourns, it adjourn until Monday evening next, at 7 o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Latham	Munroe	Robertson
Calvin	Hammond	Lawrence	Prosser	Seaborn
Connolly	Hillhouse	Manterra	Richmond	Spinola
Fiero				

16

FOR THE NEGATIVE.

Bell	Goss	Montgomery	Ramsey	Truman
Blood	Grant	J. M. Murphy	Retch	Warner
Ferry	McGraw	P. P. Murphy		

13

On motion of Mr. Spinola, the Senate adjourned.

MONDAY, JANUARY 23, 1860—7½ O'CLOCK P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Sprague.

The journal of Friday, was read and approved.

Mr. Williams presented a petition of inhabitants of the town of Wolcott, Wayne county, for a bridge across Great Sodus Bay, in said county; Also a petition of inhabitants of Huron, on the same subject; which were read and referred to the committee on roads and bridges.

Mr. Bell presented a petition of John Bradley and Ira P. Wood, for a dissolution of the Antwerp Lumber Manufacturing company, which was read and referred to the committee on manufactures.

Also, a petition of twenty-four citizens of Wilna, Jefferson county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of twenty-eight citizens of Watertown, for an amendment of the Constitution, to prohibit the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Fiero presented a petition of citizens of Rondout, for a law to exempt firemen from taxation to the amount of \$500, which was read and referred to the committee of the whole.

Mr. Grant presented a petition of inhabitants of the town of Fallsburgh, Sullivan county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ramsey presented a petition of citizens of Duanesburgh, Schenectady county, for aid to Albany and Susquehanna railroad; Also, a petition of citizens of Schoharie county, for same object; which were read and referred to the select committee on that subject.

Also, a petition of sixty-eight citizens of Delaware county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Truman presented six petitions of inhabitants of Tioga county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Also, a petition of citizens of Colesville, Broome county, for aid to Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Also, a petition for extension of Chenango canal, which was read and referred to the committee on canals.

Mr. McGraw presented a petition of 160 inhabitants of Chenango county, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Warner presented a petition of citizens of Oswego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Rotch presented a petition of trustees of the village of Cherry Valley, for an alteration of the charter of said village, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of inhabitants of the town of Decatur, Otsego co., for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Lapham presented two petitions of inhabitants of Northern New York, in favor of increasing the capacity and revenues of the Champlain canal, which were read and referred to the committee on canals.

Mr. Prosser presented a petition of inhabitants of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Abell presented a petition of the Faculty of Genesee College at Lima, for aid, which was read and referred to the committee on literature.

Mr. Sessions presented a petition of members of the bar of Buffalo, for a law library at that city, which was read and referred to the committee on the judiciary.

Mr. Colvin presented a petition of citizens of Schoharie county, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Also, a petition of landowners of Rensselaerville, Albany county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to legalize certain doings of the Charleston Congregational Society in Lima, Livingston county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Connolly, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to release to John Hall the title of this State, acquired by escheat, in and to certain lands in Westchester county."

"An act to amend an act entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847."

"An act to amend chapter 261, entitled 'An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes,' passed April 4, 1849."

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act in regard to divorces dissolving the marriage contract," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to confirm the incorporation of the 'Oswego Chair Factory,' of the city of Oswego," reported

in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sessions, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations to pay the interest on the temporary loan, and to provide for the payment of the floating debt of the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to prevent frauds in the sale of tickets upon railroads, steamboats and steamships,' passed April 15, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on manufactures, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse presented the annual report of the Regents of the University, which was laid on the table and ordered printed.

(See Doc. No. 28.)

The President presented the report of the Physician to the Marine Hospital, which was laid on table and ordered printed.

(See Doc. No. 24.)

Mr. Ketcham gave notice that he would, at an early day, ask leave to introduce a bill for the further relief of orphan and destitute children.

Mr. Grant gave notice that he would, at an early day, ask leave to introduce a bill constituting the town of Liberty, in the county of Sullivan, one election district.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to dissolve "The Antwerp Lumber Manufacturing Company."

Mr. Richmond gave notice that he would, at an early day, ask leave to introduce a bill authorizing the board of education in the city of Troy, to annex the lands of William Gary and others in said city, to some school district in said city.

Mr. Rotch gave notice that he would, at an early day, ask leave to introduce a bill to amend and consolidate the several acts relating to the village of Cherry Valley, in the county of Otsego.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the Catskill and Mountain House Turnpike Road company.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to amend the charter of the village of Catskill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to amend an act passed March 10, 1834, entitled 'An act to incorporate the fire department of the city of Hudson,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act for the relief of Peter Murray," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The bill entitled "An act to amend chapter 261, entitled 'An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes,' passed April 4, 1849," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	Munroe	Robertson
Colvin	Goss	Lapham	Prosser	Rotch
Connolly	Hammond	McGraw	Ramsey	Sessions
Ferry	Hillhouse	Montgomery	Richmond	Truman
				20

FOR THE NEGATIVE.

Abell	Grant	P. P. Murphy	Warner	Williams
Gardiner				6

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to repeal the act entitled 'An act to authorize the election of a special judge and surrogate, in the county of Essex,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	P. P. Murphy	Rotch
Bell	Goss	Lapham	Prosser	Sessions
Connolly	Grant	McGraw	Ramsey	Truman
Ferry	Hammond	Montgomery	Richmond	Warner
Fiero	Hillhouse	Munroe	Robertson	Williams
				25

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to release the interest of the State in certain lands of which William Crawford died seized, to Annabella Crawford," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	P. P. Murphy	Rotch
Bell	Goss	Lapham	Prosser	Sessions
Colvin	Grant	McGraw	Ramsey	Truman
Connolly	Hammond	Montgomery	Richmond	Warner
Ferry	Hillhouse	Munroe	Robertson	Williams
Fiero				

26

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Robertson
Bell	Gardiner	Ketcham	P. P. Murphy	Rotch
Colvin	Goss	Lapham	Prosser	Sessions
Connolly	Grant	McGraw	Ramsey	Truman
Ferry	Hammond	Montgomery	Richmond	Warner

25

FOR THE NEGATIVE.

Prosser

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hammond moved to take from the table the concurrent resolutions heretofore offered by him, relating to an amendment of the Constitution concerning the judiciary of the State.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond moved that said resolution be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman offered the following resolution:

Resolved, That 500 copies of the report of the Physician of the Marine Hospital, be printed for the use of the Physician of said Hospital.

Ordered, That said resolution be referred to the committee on public printing.

On motion of Mr. Munroe,

Resolved, That the Clerk procure 500 diagrams of the Senate chamber.

Mr. Goss offered the following resolution :

Resolved, That there be printed for the use of the Senate 300 extra copies of the list of members and officers of the Legislature, and twenty-five on card board.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Hillhouse offered the following resolution :

Resolved, That there be printed 2,000 extra copies of the annual report of the Regents of the University, for the use of the Regents; and that of these 500 be bound, and 1,000 for the Legislature.

Ordered, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act in relation to wills."

"An act to change the name of Mary McKinley Scofield, to Mary Louisa Brown."

Assembly bill, "An act authorizing the trustees of School district No. 12, in the towns of Ridgeway and Shelby, Orleans county, to raise money by tax."

After some time spent thereon, the President resumed the chair, and Mr. Grant, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Grant, from the same committee, reported in favor of the passage of the second and third named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors."

Assembly bill, "An act to legalize the acts of John Kelly as plank road inspector."

Assembly bill, "An act to authorize county clerks to enter satisfaction of judgments in certain cases."

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Sessions moved to recommit said bill to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. P. P. Murphy, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

On motion of Mr. Fiero, the Senate adjourned.

TUESDAY, JANUARY 24, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Arthur.

The journal of yesterday was read and approved.

Mr. Williams presented a petition of inhabitants of Huron, Wayne county, for a bridge across Great Sodus bay, in said county; also, a petition of inhabitants of Lyons, Wayne county, on same subject; which were read and referred to the committee on roads and bridges.

Mr. McGraw presented a petition of one hundred and twenty inhabitants of Cortlandville, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of citizens of Cortland county, for a personal liberty law, which was read and referred to the committee on the judiciary.

Also, two petitions of citizens of Madison county, for the extension of the Chenango canal, which were read and referred to the committee on canals.

Mr. Blood presented a petition of inhabitants of Montgomery co., for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Hillhouse presented a petition of landowners of New Scotland, Albany county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Hammond presented a petition of A. F. Stark and others, for a law for the preservation of fish and game, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Ramsey presented a petition of inhabitants of Schoharie co., for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Also, a petition of one hundred and thirty landowners of Duanesburgh, Schenectady county, for a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Richmond presented a petition of landowners of North Greenbush, Rensselaer county, for the passage of laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Colvin presented a petition of landowners of Rensselaerville, Albany county, for the passage of a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Truman presented a petition of inhabitants of Colesville, Broome county, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Mr. Munroe presented a petition of Charles G. McGowan and seventy other citizens of Elbridge, Onondaga county, for tolls on rail-

roads, and a pro rata freight law, which was read and referred to the select committee on that subject.

Also, resolutions of the common council of the city of Syracuse, for repeal of the 9th section of the act to amend the charter of said city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Warner presented a petition of inhabitants of Oswego co., for the passage of the joint resolutions amending the Constitution, in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of inhabitants of Oswego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Lapham presented a petition of citizens of Northern New York, for the improvement of the Champlain canal and the Glen's Falls Feeder, which was read and referred to the committee on canals.

Mr. Kelly presented a petition of 12,000 citizens of New York city, in relation to steamboat landing on East river, which was read and referred to the committee on commerce and navigation.

Mr. Goss presented a memorial of Tonawanda band of Indians for relief, which was read and referred to the committee on the judiciary.

Mr. Rotch presented a petition of inhabitants of Worcester, Otsego county, for aid to the Albany and Susquehanna railroad, which was read and referred to the select committee on that subject.

Also, a petition of members of the bar of Herkimer county, in favor of an amendment of the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. Grant presented two petitions of inhabitants of Cohecton, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Ferry presented a petition of residents of Oneida county, for extension of the Chenango canal, which was read and referred to the committee on canals.

Also, a petition of inhabitants of Oneida county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, two petitions of inhabitants of Oneida county, for extension of the Chenango canal, which were read and referred to the committee on canals.

Also, a petition of Henry A. Foster and other citizens of Oneida county, in favor of amending the Constitution in relation to the judiciary of the State, which was read and referred to the committee on the judiciary.

Mr. Abell, from the committee on the manufacture of salt, to which was referred the bill entitled "An act to amend an act entitled 'An concerning the Salt Springs and the manufacture of salt,' passed

April 15, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the select committee, to which was referred the petitions for granting aid to the Albany and Susquehanna railroad, reported in writing and by bill, entitled "An act to facilitate the construction of the Albany and Susquehanna railroad," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

(See Doc. No. 18.)

By unanimous consent, Mr. Prosser, from the committee on canals, to which was referred the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for other purposes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Prosser, from the committee on canals, to which was referred the petitions for the extension of the Chenango canal from Binghamton to the State line, reported progress, and asked and obtained further time to mature their report on this subject.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to change the name of Mary McKinley Scofield to Mary Louisa Brown."

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill incorporating country cemeteries.

By unanimous consent, Mr. Hillhouse asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in the town of Seneca, in the county of Ontario," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act for the further relief of orphan and destitute children," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to dissolve the Antwerp company, organized in 1854, for manufacturing lumber at Antwerp, Jefferson county, New York, under the general law of 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act regulating the rate of interest on the loan or forbearance of money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Goss asked and obtained leave to in-

roduce a bill entitled "An act authorizing the Comptroller of this State to hold the Tonawanda Indian Reservation in trust for the Tonawanda band of Indians," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to relieve the Tonawanda band of Seneca Indians from certain taxes on the Tonawanda Reservation, and to prevent intrusions thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act authorizing the board of education in the city of Troy, to annex the lands of William Gray and others, situate in said city, to some school district in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act respecting elections, other than for militia and town officers,' passed April 5, 1842," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on privileges and elections.

By unanimous consent, Mr. Grant asked and obtained leave to introduce a bill entitled "An act constituting the village of Monticello, in the county of Sullivan, a separate road district, and to extend and enlarge the powers of the officers of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act further to amend the charter of the village of Dunkirk, and to provide for holding town and village elections on the same day, in and for the town of Dunkirk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The bill entitled "An act to change the name of Mary McKinley Scofield to Mary Louisa Brown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	Munroe	Rotch
Blood	Gardiner	Lapham	Prosser	Sessions
Calvin	Goss	Lawrence	Rauecy	Warner
Connolly	Grant	Manierre	Richmond	Williams
Ferry	Hillhouse	Montgomery	Robertson	

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the acts of John Kelly as plankroad inspector," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	Munroe	Rotch
Blood	Gardiner	Lapham	Prosser	Sessions
Colvin	Goss	Lawrence	Ramsey	Warner
Connolly	Grant	Manierre	Richmond	Williams
Ferry	Hillhouse	Montgomery	Robertson	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act authorizing the trustees of School district No. 12, in the towns of Ridgeway and Shelby, Orleans county, to raise money by tax," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Ferry	Grant	Lawrence	Richmond
Blood	Fiero	Hillhouse	Manierre	Robertson
Colvin	Gardiner	Ketcham	Montgomery	Rotch
Connolly	Goss	Lapham	Prosser	Sessions

20

FOR THE NEGATIVE.

Munroe	Warner	Williams
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize county clerks to enter satisfaction of judgments in certain cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	Ramsey	Sessions
Blood	Goss	Lawrence	Richmond	Truman
Colvin	Grant	Manierre	Robertson	Warner
Ferry	Hillhouse	Montgomery	Rotch	Williams
Fiero	Lapham	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Goss,

Resolved, That the Assembly bill entitled "An act to amend the first section of an act passed April 6, 1859, entitled 'An act to in-

corporate the trustees of Clarkson High School, and to provide for the management and support of such school," be recommitted to the committee on literature, retaining its place on the general orders.

On motion of Mr. Ketcham,

Resolved, That the bill entitled "An act in relation to bale hay and hay scales," be recommitted to the committee on agriculture.

On motion of Mr. Truman,

Resolved, That the committee on claims be discharged from the consideration of the bill entitled "An act to provide for the payment for certain work done on the Erie canal enlargement," and that the same be referred to the committee on canals.

On motion of Mr. Connolly,

Resolved, That the petition and papers relative to the bill for the relief of the Academy of Music, be taken from the files of the Senate for 1859, and referred to the committee having that bill in charge.

Mr. Hammond offered the following resolution:

Resolved, That the petition and papers of James Hay, be referred to a select committee, consisting of Senators Goss, J. M. Murphy and Robertson; that such committee have leave to sit during the recess, if need be, and that they have power to send for persons and papers, and to examine witnesses on oath, touching the matter of the petition.

On motion of Mr. Bell, said resolution was laid on the table.

Mr. Rotch offered the following resolution:

Resolved, That 4,000 extra copies of the report of the select committee, to which was referred the petitions for aid to the Albany and Susquehanna railroad, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the "Geraldines" of New York, with power to hold real estate and endow subordinate organizations with executive power.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to wills."

"An act conferring additional powers and duties on Courts of Special Sessions, except in the city and county of New York and city of Albany."

"An act authorizing Eliza D. Boreel and others, infant children, to hold and convey real estate."

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. P. P. Murphy, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

On motion of Mr. Hammond and by unanimous consent, the Gov-

ernor's message was made the special order for Tuesday next, at 12 o'clock.

Mr. Connolly presented the report of the Commissioners of Records for the city and county of New York, which was laid on the table and ordered printed.

(See Doc. No. 21.)

On motion of Mr. Colvin, the Senate adjourned.

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WEDNESDAY, JANUARY 25, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Arthur.

The journal of yesterday was read and approved.

Mr. Williams presented a petition of inhabitants of Huron, Wayne county, for a bridge across Great Sodus bay, in said county, which was read and referred to the committee on roads and bridges.

Mr. Bell presented a petition of ten citizens of the town of Hounsfield, for a law to prohibit the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of Henry Esslestyne and thirty-six others, electors of Clayton, Jefferson county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ferry presented a petition of citizens of Verona, Oneida co., for rebuilding the locks on the Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Warner presented a petition of citizens of the village of Cleveland, Oswego county, for an amendment of their charter, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of citizens of Oswego county, for rebuilding locks on the Oneida Lake canal, which was read and referred to the committee on canals.

Also, two petitions of citizens of Oswego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Truman presented a petition of citizens of Colesville, Broome county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, a petition of inhabitants of Tioga county, for extension of the Chenango canal, which was read and referred to the committee on canals.

Also, a petition of members of the bar of Tioga county, for amendment of the Constitution in relation to the judiciary of the State, which was read and referred to the committee on the judiciary.

Mr. Hillhouse presented a petition of members of the bar of Seneca county, for amendment of the Constitution in relation to the judiciary

of the State, which was read and referred to the committee on the judiciary.

Mr. Hammond presented a petition of inhabitants of Steuben co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Abell presented a petition of citizens of the village of Pike, to revive the incorporation of that village, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of citizens of Allegany county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, two petitions of citizens of Dansville, for protection of fish in Hemlock Lake, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Ramsey presented a petition of inhabitants of Delaware co., for aid to the Albany and Susquehanna railroad; also, a petition of inhabitants of Schoharie county, on same subject; which were read and committed to the committee of the whole.

Also, a petition of inhabitants of Jefferson county, for a prohibitory law, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Connolly presented two petitions of citizens of New York, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Manierre presented a memorial of W. H. C. Waddell, of the city of New York, in behalf of an improvement of the Champlain and Hudson River Valley, by means of a ship canal, which was read and referred to the committee on commerce and navigation.

Also, a petition of T. G. Sherman and others, for a personal liberty law, which was read and referred to the committee on the judiciary.

Mr. Grant presented a petition of inhabitants of Neversink, Sullivan county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Rotch presented a petition of Robert Earl and others, of Herkimer county, for the constitutional amendment in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of inhabitants of Otsego county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Fiero presented a petition of members of the bar of Saugerties, for constitutional amendment in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. Richmond presented a petition of inhabitants of Northern New York, for the enlargement of the Champlain canal, which was read and referred to the committee on canals.

Mr. Sessions presented a petition of citizens of Chautauqua county, for constitutional amendment in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act for the further relief of orphan and destitute children," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prosser, from the committee on canals, to which was referred the bill entitled "An act to provide for the payment for certain work done, and materials furnished, on the Erie canal enlargement," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act relating to wills."

Mr. Bell, from the committee on manufactures, to which was referred the bill entitled "An act to dissolve 'The Antwerp Company,' organized in 1854, for manufacturing lumber at Antwerp, Jefferson county, New York, under the general law of 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act relative to the construction of railroads in cities,' passed April 4, 1854," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Syracuse,' passed March 3, 1857;" also to amend an act entitled "An act to amend an act entitled 'An act to revise the charter of the city of Syracuse, passed March 3, 1857,' passed April 17, 1858," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to alter the map of the late village of Williamsburgh, now city of Brooklyn, by striking out a part of a street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the petition of A. E. Stark and others, for a law for the preservation of fish and game, reported adversely thereto, and in favor of the passage of the following resolution: *Resolved*, That the prayer of the petitioners be denied, which report was agreed to.

Mr. Hammand moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond moved to recommit said petition to the committee

on the internal affairs of towns and counties, with instructions to report by bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	McGraw	Ramsey	Sessions
Blood	Grant	Montgomery	Richmond	Truman
Colvin	Hammond	Munroe	Robertson	Warner
Connolly	Hillhouse	J. M. Murphy	Rotch	Williams
Ferry	Lapham			

22

FOR THE NEGATIVE.

Fiero	Goss	Ketcham	Lawrence	Prosser	5
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Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the petition of Jasper Marvin, for the passage of a law to protect fish in Hemlock lake, reported adversely thereto, and in favor of the passage of the following resolution: *Resolved*, That the prayer of the petitioners be denied.

Mr. Ramsey moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Suffolk County Society," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to confer certain powers upon the superintendent of the poor of the county of Genesee," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the construction of a workhouse in the county of Monroe,' passed May 27, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to extend the time for the collection of taxes in the town of Seneca, in the county of Ontario," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the list of members, reported in favor of the adoption of the following resolution:

Resolved, That there be printed for the use of the Senate 300 extra copies of the list of members and officers of the Legislature, and twenty-five on card board.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the

Physician of the Marine Hospital, reported in favor of the adoption of the following resolution:

Resolved, That 500 copies of the report of the Physician of the Marine Hospital, be printed for the use of the Physician of said Hospital.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to provide for the election of a police justice of the village of Watertown, and other purposes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act relative to railroads in the city of New York," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize D. B. Carpenter and others, to build a draw bridge over James creek, in Suffolk co.," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the select committee, relative to the Albany and Susquehanna railroad, reported in favor of the adoption of the following resolution:

Resolved, That 3,000 extra copies of the report of the select committee, to which was referred the petitions for aid to the Albany and Susquehanna railroad, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Regents of the University, reported in favor of the adoption of the following resolution:

Resolved, That there be printed 1,000 extra copies of the annual report of the Regents of the University, for the use of the Regents, and that of these 250 be bound, and 500 for the Legislature.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act passed March 10, 1854, entitled 'An act to incorporate the Fire department of the city of Hudson,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act authorizing the board of education in the city of Troy, to annex the lands of William Gary and others, situate in said city, to some school

district in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sessions, from a majority of the select committee, to which was referred the petitions of citizens of this State, for a law tolling railroads, reported by bill entitled "An act to levy and collect tolls on freight transported over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act to expedite the canvass of votes for member of Assembly in the First Assembly district of the county of Delaware, at a special election to be held in such district on Tuesday the 7th day of February, 1860, under proclamation by the Governor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ramsey, and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Rotch
Bell	Gardiner	Lapham	J. M. Murphy	Sessions
Blood	Goss	Lawrence	P. P. Murphy	Truman
Colvin	Grant	McGraw	Ramsey	Warner
Connolly	Hillhouse	Montgomery	Robertson	Williams
Ferry	Kelly			

27

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Ramsey, and by unanimous consent, the rules were suspended, and said bill ordered to be transmitted to the Assembly immediately.

Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill to provide for the extension of the Harlem or Fourth Avenue railroad to the Central Park at Fifty-ninth street, and also at Seventy-ninth street, in the city of New York.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill to raise money by tax on the town of Marbletown, Ulster county, for the purpose of completing the bridge across the Esopus creek.

Mr. J. M. Murphy gave notice that he would, at an early day, ask leave to introduce a bill to provide for the speedy settlement of the claims of laborers and domestics against the estates of deceased persons.

Also, a bill to establish in the city of New York five district courts,

with summary powers for the recovery of laborers' and servants' wages.

Also, a bill to incorporate the Travelers Insurance company, in the city of New York.

Mr. Gardiner gave notice that he would, at an early day, ask leave to introduce a bill to extend the time of payment of certain assessments in the county of Kings.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to provide for the better government of common schools, in the city of New York.

Mr. Williams gave notice that he would, at an early day, ask leave to introduce a bill to extend the time for finishing and putting in operation the Sodus Point and Southern railroad."

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to reduce the capital of the Farmers' Loan and Trust company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Kelly asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to regulate the use of wharves and slips in the city of New York, which shall be leased to certain steamboat lines,' passed April 15, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Rotch asked and obtained leave to introduce a bill entitled "An act relative to the justices of the peace in the county of Otsego, designated and elected to hold courts of sessions in said county of Otsego, at the general election held on the 8th day of November, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to increase the compensation of assistant matrons of the Sing Sing female prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to authorize the Orient Wharf company to increase their capital and to extend said wharf," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes in relation to limited partnership," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act for the relief of William J. Nelson

and Ira E. Phillips," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to extend the time for finishing and putting in operation the Sodus Point and Southern railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The bill entitled "An act in relation to wills," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Kelly	J. M. Murphy	Rotch
Blood	Hammond	Lapham	P. P. Murphy	Sessions
Colvin	Hillhouse	Montgomery	Prosser	Warner
Ferry				

16

FOR THE NEGATIVE.

Abell	Goss	McGraw	Ramsey	Robertson
Connolly	Grant	Manierre	Richmond	Williams
Fiero	Lawrence	Munroe		

13

Mr. Prosser moved to reconsider the vote taken on the passage of said bill, and that that motion lay upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act in relation to the poor house and paupers in Dutchess county."

"An act in relation to the fees of the county treasurer in the county of St. Lawrence."

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Richmond,

Resolved, That the Auditor of the Canal Department be required to present the aggregate amount of tolls received, and the tonnage employed on the Champlain canal, and the Glen's Falls feeder, for the season past, and the articles of freight, and amount of each to the seaboard; and also the amount of up freight passing on said canal, and also on the Glen's Falls feeder, designating the through freight and way freight.

Mr. Ketcham offered the following resolution :

Resolved, That there be printed 500 extra copies of the report of the Commissioners appointed to settle the boundary line between New York and Connecticut—400 for the Senate, and 100 for the Commissioners.

Ordered, That said resolution be referred to the committee on public printing.

The hour of twelve o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act conferring additional powers and duties on Courts of Special Sessions, except in the city and county of New York and city of Albany."

"An act to exempt firemen of the several cities and incorporated villages of this State, from taxation upon their real and personal property to the amount of five hundred dollars."

"An act making appropriations for the canal debt and the maintenance of the canals, for the fiscal year commencing on the first day of October, 1860."

After some time spent thereon, the President resumed the chair, and Mr. Hillhouse, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Hillhouse, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Hammond, and by unanimous consent,
Resolved, That Hon. Nathan Lapham, Senator from the 16th District be, and he is hereby appointed President *pro tem* of the Senate.

On motion of Mr. Hammond, the Senate adjourned.

THURSDAY, JANUARY 26, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Bishop.

The journal of yesterday was read and approved.

Mr. Ketcham presented petition of a committee representing ten different counties of this State, asking for an amendment to the act entitled "An act to equalize the State tax among the several counties of this State," in order that the end had in view may be more equitably and successfully accomplished.

On motion of Mr. Ketcham, said petition was referred to a select committee, to be appointed.

Mr. Ferry presented a petition of DeWitt C. Grove and 108 other citizens of Oneida county, for an amendment of the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of the town of Verona, for rebuilding locks on Oneida Lake canal, which was read and referred to the committee on canals.

Also, three petitions of citizens of Utica, for a pro rata freight law,

which were read and referred to the select committee on that subject.

Mr. Warner presented two petitions of citizens of Oswego county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Also, a petition of citizens of Oswego county, for an amendment of the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. McGraw presented a petition of citizens of Broome county, for extension of the Chenango canal, which was read and referred to the committee on canals.

Also, three petitions of inhabitants of Cortland county, for a prohibitory liquor law, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Truman presented a petition of citizens of Tioga county, for extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Rotch presented a petition of inhabitants of Otsego county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Bell presented a petition of ninety citizens of Lewis county, for extension of the Chenango canal, which was read and referred to the committee on canals.

Also, a petition of Almon Buell and others, for relief to the Antwerp Academy, which was read and referred to the committee on literature.

Also, a petition of twenty inhabitants of Jefferson and Lewis counties, for the completion of the Black River canal, and a weigh lock at Carthage, which was read and referred to the committee on canals.

Also, a petition of E. A. Brown and other citizens of Lowville, Lewis county, for the proposed amendment to the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. Ramsey presented a petition of inhabitants of Schoharie co., for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, a petition of landowners of Delaware county, for a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Richmond presented a petition of landowners of Nassau, Rensselaer county, for the passage of laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Colvin presented a petition of landowners of Rensselaerville, Albany county, for the passage of a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Williams presented three petitions of inhabitants of Lyons,

Wayne county, for a bridge across Great Sodus bay, in said county, which were read and referred to the committee on roads and bridges.

Mr. Goss presented a petition of Edwin Taylor and eighty-nine others, residents of Brockport, Monroe county, for the appointment of Canal Appraisers in each county of the State through which the canals pass, which was read and referred to the committee on canals.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Commissioners appointed to settle the boundary line between New York and Connecticut, reported in favor of the adoption of the following resolution :

Resolved, That there be printed 500 extra copies of the report of the Commissioners appointed to settle the boundary line between New York and Connecticut—400 for the Senate, and 100 for the Commissioners.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act constituting the village of Monticello, in the county of Sullivan, a separate road district, and to extend and enlarge the powers of the officers of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act relative to the justices of the peace of the county of Otsego, designated and elected to hold Courts of Sessions in said county of Otsego, at the general election held on the 8th day of November, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act making appropriations for the canal debt, and the maintenance of the canals for the fiscal year commencing on the 1st day of October, 1860."

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act relative to ferries between New York and Brooklyn," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills :

"An act authorizing the trustees of the board of education of Union Free School district No. 2, of the town of West Farms, Westchester county, to raise money to purchase site, build school house and furnish the same, in said district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act for the relief of the infant children of Sarah A. Boreel,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the charter of the village of Ogdensburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize lateral plank, turnpike or flag-stone roads in Ulster county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the trustees of Columbia College, in the city of New York, to take and hold certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act for the preservation of fish in Hemlock lake and the outlet thereto, lying within the counties of Livingston and Ontario," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to provide for completing the bridge across the Esopus creek, near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act relative to the attendance of petit jurors at county courts, and courts of sessions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to amend section 304 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to establish the grade of Flatbush avenue, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rules were suspended and said bill referred to the committee on the incorporation of cities and villages, with power to report complete.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the board of supervisors of the county of Westchester to purchase the Rapalyea or Pelham bridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An

act to incorporate the village of Astoria, in Newtown, Queens co.," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the Travelers' Insurance Company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to incorporate the New York Railroad and Steamboat Accident Insurance company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

The bill entitled "An act making appropriations for the canal debt and the maintenance of the canals, for the fiscal year commencing on the 1st day of October, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Rotch
Bell	Grant	Manierre	Prosser	Truman
Connolly	Hillhouse	Montgomery	Ramsey	Warner
Fiero	Lapham	J. M. Murphy	Robertson	Williams
Gardiner				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson offered the following resolution :

Resolved, That the Clerk of the Senate be requested to furnish each of the pages with ten dollars' worth of stationery, as in previous sessions.

On motion of Mr. Robertson, said resolution was referred to the committee on retrenchment.

Mr. Connolly offered the following preamble and resolution :

Whereas, many eminent legal gentlemen of this State have declared that the existing board of supervisors in the city of New York are an illegal body, as at present constituted, under the act passed April 17, 1858, extending their term of office beyond the term for which they were originally elected ; therefore, be it

Resolved, That the Attorney General be, and he is hereby requested to furnish the Senate with his opinion as to whether said act is not unconstitutional and void, and the said supervisors as at present constituted, are not an illegal body ; and what legislation (if any,) is required to legalize the acts of said board of supervisors in the city of New York.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Sessions,

Resolved, That the Clerk procure two copies of the Code of Procedure, to be placed in the Senate library.

Mr. Robertson moved that the bill entitled "An act to amend an act entitled 'An act to prevent frauds in the sale of tickets upon rail-roads, steamboats and steamships,' passed April 15, 1857," be recommended to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act conferring additional powers and duties on courts of Special Sessions, except in the city and county of New York and city of Albany."

"An act to exempt firemen of the several cities and incorporated villages of this State, from taxation upon their real and personal property."

Assembly bill, "An act in relation to cutting ice on the Hudson river."

After some time spent thereon, the President resumed the chair, and Mr. Bell, from said committee, reported that they had gone through with the first named bill, and stricken out the enacting clause.

Mr. Ramsey moved to disagree to the report of the committee of the whole, and restore the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola renewed the amendments offered in committee of the whole, being as follows :

In the 1st section, 1st and 2d lines of printed bill, strike out the words "except in the city and county of New York and the city of Albany," and insert in lieu thereof the words, "in the county of Monroe."

In 1st section, 6th and 7th lines of printed bill, strike out the words "within their respective counties," and insert in lieu thereof the words, "in said county," and amend the title by striking out "except in the city and county of New York and city of Albany," and insert "county of Monroe."

The President put the question whether the Senate would agree to said amendments, and it was decided in the affirmative.

Mr. Spinola moved that said bill, as amended, be ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell, from the same committee, reported in favor of the passage of the second named bill, with amendments.

The President put the question whether the Senate would agree to the report of the committee of the whole on said bill, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Ketcham	J. M. Murphy	Rotch
Colvin	Goss	Lapham	Ramsey	Sessions
Connolly	Grant	Manierre	Richmond	Spinola
Ferry	Hillhouse	Montgomery	Robertson	Traman
Fiero				

21

FOR THE NEGATIVE.

McGraw	P. P. Murphy	Prosser	Warner	Williams
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5

Ordered, That said bill be engrossed for a third reading.

Mr. Bell, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to confirm the incorporation of the Oswego Chair Factory, of the city of Oswego."

"An act making appropriations to pay the interest on the temporary loan, and to provide for the payment of the floating debt of the State."

"An act to amend the act entitled 'An act relative to the construction of railroads in cities,' passed April 4, 1854."

After some time spent thereon, the President resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Goss, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Sessions moved to make said bill the special order for to-morrow at 12 o'clock, unless sooner reached.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as the select committee on the petition to amend the act "to equalize the State tax among the several counties of this State," Messrs. Ketcham, Rotch and Blood.

On motion of Mr. Williams, the Senate adjourned.

FRIDAY, JANUARY 27, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Bishop.

The journal of yesterday was read and approved.

Mr. Goss presented a remonstrance of the trustees and other inhabitants of the village of Geddes, against the amendment of the charter of said village, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of J. B. Burrill, for an amendment of the charter

of the village of Geddes, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Prosser presented a petition of citizens of the county of Erie, for an increased duty on salt manufactured in this State, which was read and referred to the committee on the manufacture of salt.

Mr. McGraw presented a petition of citizens of Chenango county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, a resolution of supervisors of Chenango county, for the repeal of the law passed April 10, 1850, giving certain powers to the board of health, which was read and referred to the committee on the internal affairs of towns and counties.

Also, resolutions of same body, for extension of Chenango canal, which were read and referred to the committee on canals.

Also, resolutions of same body, in favor of a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Warner presented a petition of inhabitants of Oswego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of citizens of Oswego county, for a law to protect the bridge across the Oswego river, at Minetto, in said county, which was read and referred to the committee on roads and bridges.

Mr. Truman presented a petition of citizens of Colesville, Broome county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. J. M. Murphy presented a petition of bankers and others, in the city of New York, for an amendment of the law relating to protests, which was read and referred to the committee on banks.

Mr. Hillhouse presented a petition of citizens of Seneca Falls, for the passage of an act providing for the prompt appraisal of canal damages, which was read and referred to the committee on canals.

Mr. Lapham presented two petitions of citizens of Northern New York, for increasing the capacity and revenues of the Champlain canal, which were read and referred to the committee on canals.

Mr. Ramsey presented a petition and affidavits in the matter of Gurdon Conkling, for relief, which was read and referred to the committee on claims.

Also, A petition of citizens of Schohorie county, for a prohibitory liquor law, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of landowners of Delaware county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Also, a petition of inhabitants of Delaware county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Richmond presented a petition of land-owners of Sandlake, Rensselaer county, for laws to protect them in their rights of pro-

perty, which was read and referred to the committee on the judiciary.

Mr. Robertson presented resolutions of the Putnam county board of supervisors, in relation to the assessment of Putnam county by the Board of State Assessors, which were read and referred to the select committee on that subject.

Mr. Sessions presented two petitions of inhabitants of Panama, Chantauqua county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Fiero presented a petition of land-owners of New Baltimore, Greene county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Athens, Greene county, for a stringent amendment to the excise law, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of the legal profession and others, of Ulster county, in favor of the proposed amendment of the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of the board of trustees of New Paltz academy, for relief, which was read and referred to the committee on literature.

Mr. Spinola presented a petition of John P. Rolfe and others, for an amendment to the Brooklyn water act, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Colvin presented a petition of land-owners of Westerlo, Albany county, for laws to protect them in their rights of property, which were read and referred to the committee on the judiciary.

Mr. Bell presented a petition of Isaac Munson and others, to exempt the premium notes of Mutual Insurance companies from taxation, which was read and referred to the committee on finance.

Also, a petition of D. S. Schuyler and eighteen others, citizens of Lyme, Jefferson county, for a prohibitory liquor law, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of Hiram McCollum and other citizens of Jefferson and Lewis counties, for the completion of the Black River canal and a weigh lock at Carthage, which was read and referred to the committee on canals.

Mr. Lawrence presented a remonstrance of Wm. H. Carey and 130 others, against an alteration or repeal of the Brooklyn water act of 1859, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the trustees Columbia College, in the city of New York, to take and hold certain real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act authorizing the trustees of the board of education of Union Free School district No. 2, of the

town of West Farms, in the county of Westchester, to raise money to purchase site, build school house and furnish the same, in said district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.¹

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the petition of residents of the counties adjoining New York, for a new assessment law, reported adversely thereto, and in favor of the following resolution: *Resolved*, That the prayer of the petitioners be denied; which report was agreed to.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the preservation of fish in Hemlock lake and the outlet thereto, lying in the counties of Livingston and Ontario," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ketcham, from the committee on retrenchment, to which was referred the resolution to furnish each of the pages of the Senate with ten dollars worth of stationery, reported in favor of the adoption of the following resolution:

Resolved, That the Clerk of the Senate be requested to furnish each of the pages of the Senate, with five dollars worth of stationery.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, January 27, 1860.

To the Senate:—Information has just reached me that the Governor and Legislature of Kentucky and the Legislature of Tennessee, are now at the capital of Ohio, by invitation from the Legislature of that State.

So marked and so unusual an occurrence as the visit of the representatives of two sovereign States at one time, to those of another, is evidently calculated to foster that comity and good neighborhood due from the representatives of all the States towards each other. I recommend that, dispensing with the usual forms in such cases, you adopt a concurrent resolution inviting the Governor and the bodies mentioned, to extend their visit to this Capital.

E. D. MORGAN.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the petition of James S. T. Stranahan and others, for the passage of an act in relation to the rates of wharfage,

reported by bill entitled "An act in relation to the rates of wharfage and to regulate piers, wharves, bulkheads and slips, in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act in relation to commercial paper, passed April 14, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act relative to the attendance of petit jurors at county courts and courts of sessions," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Peter Murray," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize Henry Billingham and Wm. C. Rowley, to apply to the surrogate of Monroe county for leave to sell the real estate of S. Marvin Hughes, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 37, article 2, title 4, chapter 2, of part 4 of the Revised Statutes, entitled 'Of indictments and proceedings thereon,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of the property in trade and the earnings of married women," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize a part of the records and filed deeds of the counties of Oneida and Herkimer, to be transcribed and deposited in the clerk's office of the county of Jefferson," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of Ogdensburgh," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Astoria,

in Newtown, Queens county," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to exempt firemen of the several cities and incorporated villages of this State from taxation upon their real and personal property."

"An act conferring additional powers and duties on courts of special sessions in the county of Monroe."

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to exempt the premium notes of mutual insurance companies from taxation.

Mr. Warner gave notice that he would, at an early day, ask leave to introduce a bill for holding special terms of the supreme court at the times of holding circuit courts and courts of oyer and terminer in the fifth judicial district.

Also, for the protection of the bridge across the Oswego river at Minetto, Oswego county.

Mr. Hammond gave notice that he would, at an early day, ask leave to introduce a bill to provide for taking testimony in certain cases.

Also, a bill to amend the charter of the village of Bath.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill for the relief of the New Paltz academy.

Mr. Grant gave notice that he would, at an early day, ask leave to introduce a bill to amend section 65 of an act in relation to the collection of taxes, passed April 13, 1855.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to incorporate a special board of trustees to hold and manage certain funds for the benefit of the First Methodist Episcopal Church, John street, in the city of New York.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill to amend section 64, title 4, chapter 6, of the second part of the Revised Statutes, relative to suits against heirs and devisees.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations, as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations,' passed April 5, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend section third of title 15, chapter 8, part 3d of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Hammond asked and obtained leave

to introduce a bill entitled "An act to provide for taking testimony to be used in certain causes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath,' passed June 20, 1851,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Warner asked and obtained leave to introduce a bill entitled "An act for holding special terms of the Supreme Court at the times and places appointed for the holding of Circuit Courts, and Courts of Oyer and Terminer, in the fifth judicial district, for the years 1860 and 1861," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Warner, and by unanimous consent, said bill was referred to the committee on the judiciary, to report complete.

In pursuance of previous notice, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to establish a law library in the 8th judicial district, to be called the Supreme Court Library," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to release to John Hall the title of this State, acquired by escheat, in and to certain lands in Westchester county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	McGraw	P. P. Murphy	Sessions
Ferry	Hillhouse	Manierre	Ramsey	Spinola
Fiero	Kelly	Montgomery	Robertson	Warner
Gardiner	Ketcham	Munroe	Rotch	Williams
Goss	Lawrence	J. M. Murphy		

23

FOR THE NEGATIVE.

Abell

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received and read, in the words following, to wit:

Resolved, (if the Senate concur,) That the Governor be requested to extend to the Governors and Legislatures of the States of Kentucky and Tennessee, now on a visit to the Capital of Ohio, and to the Governor and Legislature of the State of Ohio, a cordial invitation to visit this Capital, as the guests of this State.

On motion of Mr. Lawrence, and by unanimous consent, the rules were suspended in order that said resolution might be immediately considered.

On motion of Mr. Ramsey, the resolution was adopted.

Ordered, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The bill entitled "An act conferring additional powers and duties on courts of Special Sessions, in the county of Monroe," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Lapham	J. M. Murphy	Rotch
Ferry	Hillhouse	Lawrence	P. P. Murphy	Sessions
Fiero	Kelly	Manierre	Prosser	Williams
Goss	Ketcham	Montgomery	Robertson	
19				

FOR THE NEGATIVE.

Abell	Blood	Colvin	Warner	4
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the cutting of ice on the Hudson river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Ramsey	Sessions
Bell	Grant	Manierre	Richmond	Truman
Colvin	Hillhouse	Montgomery	Robertson	Warner
Fiero	Kelly	P. P. Murphy	Rotch	Williams
Gardiner	Ketcham	Prosser		
23				

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

The bill entitled "An act to exempt firemen of the several cities and incorporated villages of this State, from taxation upon their real and personal property," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Ferry	Kelly	Munroe	Robertson
Blood	Fiero	Lapham	J. M. Murphy	Rotch
Colvin	Gardiner	Manierre	Ramsey	Sessions
Connolly	Hillhouse	Montgomery	Richmond	Spinola
20				

FOR THE NEGATIVE.

Abell	Ketcham	McGraw	Prosser	Warner
Grant	Lawrence	P. P. Murphy	Truman	Williams
10				

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to confirm the incorporation of the Oswego Chair Factory, of the city of Oswego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	P. P. Murphy	Seassons
Blood	Gardiner	McGraw	Prosser	Spinola
Colvin	Goss	Montgomery	Ramsey	Truman
Connolly	Kelly	Munroe	Richmond	Warner
Ferry	Ketcham	J. M. Murphy	Rotch	

24

FOR THE NEGATIVE.

Abell	Grant	Hillhouse	Lawrence	Williams	5
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act making appropriations to pay the interest on the temporary loan, and to provide for the payment of the floating debt of the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	J. M. Murphy	Rotch
Bell	Gardiner	Lapham	P. P. Murphy	Seassons
Blood	Goss	McGraw	Prosser	Spinola
Colvin	Grant	Manierre	Ramsey	Warner
Connolly	Hillhouse	Montgomery	Richmond	Williams
Ferry	Kelly	Munroe	Robertson	

29

FOR THE NEGATIVE.

Lawrence	1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The hour of 12 o'clock having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act to amend the act entitled 'An act relative to the construction of railroads in cities,' passed April 4, 1854."

After some time spent thereon, the President resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of said bill, with amendments; and also amended the title so as to read "An act relative to railroads in the city of New York."

Mr. Spinola renewed the amendment offered in committee of the whole, to add to the first section, as follows :

"This act shall not be held to prevent the construction, extension, operation or use of any railroad in the city of New York, which has already been constructed in part, and some portion of which is in actual operation, but the respective parties and companies and

their assigns, by whom such roads have been in part constructed, are hereby authorized to construct, extend, complete and use such roads in and through the streets and avenues of said city, designated in the respective grants, licenses, resolutions or contracts under which the same has so in part been constructed or operated, and to that end the grants, licenses and resolutions aforesaid are hereby confirmed, made valid and effectual."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Kelly	Spinola	Truman	8
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FOR THE NEGATIVE.

Abell	Fiero	Lapham	P. P. Murphy	Rotch	
Colvin	Gardiner	Montgomery	Prosser	Sessions	
Connolly	Hillhouse	Munroe	Robertson	Warner	
Ferry	Ketcham	J. M. Murphy			18

Mr. Spinola renewed the amendment offered in committee of the whole, to add to the first section the following :

"Nothing herein contained shall be so construed as to prevent any railroad company in the city of New York from fulfilling all the provisions of their respective charters or grants under, and complying with the same."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Calvid	Ramsey	Spinola	Truman	Warner	5
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FOR THE NEGATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Robertson	
Bell	Gardiner	Montgomery	P. P. Murphy	Rotch	
Connolly	Hillhouse	Munroe	Prosser	Sessions	
Ferry	Kelly				17

Mr. Spinola renewed the amendment offered in committee of the whole, to add to the first section the following :

"Nothing herein contained shall be so construed as to affect any of the rights, privileges and franchises of the Harlem railroad as the same have been acquired under any action of the mayor and commonalty of the city of New York."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Calvin	Ketcham	Robertson	Spinola	Truman	6
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FOR THE NEGATIVE.

Bell	Gardiner	Montgomery	Prosser	Rotch	
Connolly	Hillhouse	Munroe	Ramsey	Sessions	
Ferry	Kelly	J. M. Murphy	Richmond	Warner	
Fiero	Lapham	P. P. Murphy			18

Mr. Spinola renewed the amendment offered in committee of the whole, to add to the first section the following :

"Nothing herein contained shall be so construed as to affect any of the railroads now in operation in the city of New York."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Lapham	Spinola				2
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FOR THE NEGATIVE.

Bell	Gardiner	Montgomery	Prosser	Rotch	
Colvin	Hillhouse	Munroe	Ramsey	Sessions	
Connolly	Kelly	J. M. Murphy	Richmond	Truman	
Ferry	Ketcham	P. P. Murphy	Robertson	Warner	
Fiero					21

Mr. Spinola renewed the amendment offered in committee of the whole, to add to the first section the following :

"That nothing herein contained shall be so construed as to affect any of the rights, privileges or franchises of the Hudson River Railroad company under its charter or any of its grants."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Colvin	Fiero	Ketcham	Robertson	Truman	
Connolly	Kelly	Lapham	Spinola	Warner	10

FOR THE NEGATIVE.

Abell	Gardiner	Munroe	Prosser	Rotch	
Bell	Hillhouse	J. M. Murphy	Ramsey	Sessions	
Ferry	Montgomery	P. P. Murphy	Richmond		14

Mr. Spinola renewed the amendment offered in committee of the whole, to strike out the second section of the bill, being as follows :

"All acts and parts of acts inconsistent with this act are hereby repealed."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Kelly	Ketcham	Spinola			3
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FOR THE NEGATIVE.

Abell	Fiero	Montgomery	Prosser	Rotch	
Bell	Gardiner	Munroe	Ramsey	Sessions	
Colvin	Hillhouse	J. M. Murphy	Richmond	Truman	
Connolly	Lapham	P. P. Murphy	Robertson	Warner	
Ferry	McGraw				22

Mr. Spinola renewed the amendment offered in committee of the whole, to strike out the last four lines of the first section, as follows : "grant and provide. This section shall not be deemed to affect the operation, as far as laid, of any railroad now constructed and duly authorized."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Spinola					1
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FOR THE NEGATIVE.

Abell	Fiero	Lapham	P. P. Murphy	Robertson	
Bell	Gardiner	McGraw	Prosser	Rotch	
Colvin	Hillhouse	Montgomery	Ramsey	Sessions	
Connolly	Kelly	Munroe	Robertson	Warner	
Ferry	Ketcham	J. M. Murphy			23

Mr. Spinola renewed the amendment offered in committee of the whole, to strike out the enacting clause.

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Kelly	Spinola				2
FOR THE NEGATIVE.					
Abell	Fiero	McGraw	Prosser	Rotch	
Bell	Gardiner	Montgomery	Ramsey	Sessions	
Colvin	Hillhouse	Munroe	Richmond	Truman	
Connolly	Ketcham	J. M. Murphy	Robertson	Warner	
Ferry	Lapham	P. P. Murphy			23

When the name of Mr. Goss was called, that gentleman asked to be excused from voting.

The President put the question whether the Senate would agree to excuse, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

Ordered, That said bill be read a third time.

Mr. Spinola moved that the Senate now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Spinola				2
FOR THE NEGATIVE.					
Abell	Gardiner	Lapham	P. P. Murphy	Rotch	
Bell	Goss	McGraw	Prosser	Sessions	
Connolly	Hillhouse	Montgomery	Ramsey	Truman	
Ferry	Kelly	Munroe	Richmond	Warner	
Fiero	Ketcham	J. M. Murphy	Robertson	Williams	25

On motion of Mr. Robertson, and by unanimous consent,

Resolved, That the committee on commerce and navigation, have power to send for persons and papers, in the examination before them of the bill entitled "An act to amend an act entitled 'An act to prevent frauds in the sale of tickets upon railroads, steamboats and steamships,' passed April 15, 1857."

Mr. Warner moved to lay the order of business of general orders on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	J. M. Murphy	Robertson	
Bell	Goss	Lawrence	P. P. Murphy	Rotch	
Connolly	Hillhouse	McGraw	Prosser	Sessions	
Ferry	Kelly	Montgomery	Ramsey	Warner	
Fiero	Ketcham	Munroe	Richmond	Williams	25

FOR THE NEGATIVE.

Colvin	Spinola	Truman			3
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The order of business of presentation of petitions having been announced.

Mr. Warner moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	McGraw	Prosser	Rotch
Bell	Hillhouse	Montgomery	Ramsey	Sessions
Connolly	Kelly	Munroe	Richmond	Warner
Ferry	Ketcham	J. M. Murphy	Robertson	Williams
Fiero	Lapham	P. P. Murphy		

24

FOR THE NEGATIVE.

Colvin	Spinola
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2

The order of business of reports of standing committees having been announced.

Mr. Warner moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The order of business of reports of select committees having been announced.

Mr. Warner moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Robertson
Bell	Gardiner	Lapham	P. P. Murphy	Sessions
Connolly	Hillhouse	McGraw	Ramsey	Warner
Ferry	Kelly	Montgomery	Richmond	Williams

20

FOR THE NEGATIVE.

Colvin	Spinola
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2

The order of business of messages from the Governor having been announced.

Mr. Warner moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Montgomery	Prosser	Rotch
Bell	Kelly	Munroe	Ramsey	Sessions
Connolly	Ketcham	J. M. Murphy	Richmond	Truman
Fiero	Lapham	P. P. Murphy	Robertson	Williams
Gardiner	McGraw			

22

FOR THE NEGATIVE.

Colvin	Spinola
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2

Mr. Sessions offered the following resolution :

Resolved. That the bill entitled "An act relative to railroads in the city of New York," be read a third time to-morrow morning, immediately after reading the journal.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Prosser	Sessions
Bell	Gardiner	McGraw	Ramsey	Warner
Connolly	Hillhouse	Munroe	Richmond	Williams
Ferry	Ketcham	P. P. Murphy		

18

FOR THE NEGATIVE.

Colvin	Kelly	Lawrence	Montgomery	Spinola
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5

On motion of Mr. Prosser, the Senate adjourned.

SATURDAY, JANUARY 28, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Bishop.

The journal of yesterday was read and approved.

The third reading of the bill entitled "An act relative to railroads in the city of New York," having been announced,

By unanimous consent, Mr. Ketcham moved to amend said bill by adding at the end of the first section, the following :

"Nor shall it be held to impair in any manner any valid grant, for or relating to any railroad in said city, existing on the first day of January, 1860."

The President put the question whether the Senate would agree to said amendment, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Manroe	Ramsey	Sessions
Bell	Kelly	J. M. Murphy	Richmond	Truman
Connolly	Ketcham	P. P. Murphy	Robertson	Warner
Ferry	McGraw	Prosser	Rotch	Williams
Fiero	Montgomery			

22

FOR THE NEGATIVE.

Colvin

1

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

Mr. Truman presented a petition of citizens of Broome county, for extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Williams presented two petitions of inhabitants of Wayne county, in favor of the proposed amendment of the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. Warner presented a petition of citizens of Oswego county, in favor of the proposed amendment of the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Hastings, for rebuilding locks on the Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Ramsey presented a petition of citizens of Delaware county, for a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Also, a petition of inhabitants of Schoharie county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, a petition of citizens of Gloversville, Fulton co., to change the time for holding the election for officers of that village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Bell presented a petition of Vincent White and sixteen other citizens of Watertown, for an amendment of the Constitution so as to allow a prohibitory law, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. McGraw presented a petition of citizens of Lenox, Madison county, for rebuilding locks on Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Richmond presented a petition of landowners of East Greenbush, Rensselaer county, for the passage of laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. J. M. Murphy presented a petition of citizens, physicians and dentists, in New York, for an act to incorporate a dental college in that city, which was read and referred to the committee on medical societies.

Mr. Ferry presented a petition of Geo. E. Quinn and other members of the bar of Utica, in favor of the proposed amendment of the Constitution in relation to the judiciary; also three other petitions on the same subject; which were read and referred to the committee on the judiciary.

Also, a petition of citizens of Vienna, Oneida county, for rebuilding locks on Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Fiero presented a petition of inhabitants of Port Richmond, for right to establish a ferry, which was read and referred to the committee on commerce and navigation.

Also, a petition of inhabitants of Sullivan county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Goss presented two petitions of inhabitants of Monroe county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Prosser presented a petition of citizens of Erie county, for an increased duty on salt manufactured in this State, which was read and referred to the committee on the manufacture of salt.

Mr. Hammond presented a petition of inhabitants of Schuylerville, to divide the town of Catharine, in said county, and erect the town of Montour, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Colvin presented a petition of landowners of Rensselaerville, Albany county, for the passage of a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Abell, from the committee on railroads, to which was referred the bill entitled "An act to extend the time for finishing and putting in operation the Sodus Point and Southern railroad," reported

in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act for holding special terms of the Supreme Court at the times of holding Circuit Courts and Courts of Oyer and Terminer, in the fifth judicial district, for the years 1860 and 1861," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section third of title 15, chapter 8, part 3d of the Revised Statutes, in relation to publication of legal notices," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act to rebuild the locks on the Oneida Lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to authorize repairs on a bridge over the State drain in the town of Lysander," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate 'The Minstrel Fund Association,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to proceedings to compel the determination of claims to real property, in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the agent and warden of the State Prison at Sing Sing, to purchase certain land," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act for the relief of William O. Hubbard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Luther Wright," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th Ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, junior," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act to provide for building and repairing bridges in the town of Greene, in the county of Chenango, and to

defray the expenses thereof by taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to incorporate the Binghamton Waterworks company,' passed April 13, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act authorizing the trustees of the village of Albion, Orleans county, to raise money by tax for certain purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

Mr. Hammond gave notice that he would, at an early day, ask leave to introduce a bill to divide the town of Catharine, in Schuyler county, and erect the town of Montour.

Mr. Sessions gave notice that he would, at an early day, ask leave to introduce a bill to regulate the fare on the Buffalo and Erie railroad.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill to renew the ferry charter designated as the Port Richmond and Bergen Point Ferry company.

In pursuance of previous notice, Mr. Warner asked and obtained leave to introduce a bill entitled "An act for the protection of the bridge across the Oswego river at Minetto, Oswego county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend the charter of the Agricultural Insurance company, and to authorize that company to change its place of business,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act to amend section 64, title 4, chapter 6, of the second part of the Revised Statutes, relative to suits against heirs and devisees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the New York College of Dental Surgeons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

On motion of Mr. Truman,

Resolved, That the committee on public printing be directed to investigate and report to the Senate, the various sums audited and paid by the Comptroller of this State for Legislative and other printing, during the past year, and the items for which such allowances

were made, and to whom paid, and the reason why such printing so greatly exceeds the contract price therefor.

On motion of Mr. Truman,

Resolved, That the committee on public expenditures be directed to investigate and report to this Senate, what amounts have been allowed and expended for stationery for the Legislature and public officers of this State, and what disposition has been made of the same, and how much of such stationery is now on hand.

On motion of Mr. Rotch, and by unanimous consent, the rules were suspended for the purpose of enabling him to offer the following resolution :

Resolved, That the committee of the whole be discharged from the further consideration of the bill entitled "An act relative to the justices of the peace in the county of Otsego, designated and elected to hold Courts of Sessions in said county, at the general election held on the 8th day of November, 1859," and that the same be referred to the committee on the judiciary, with power to report complete.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Richmond,

Resolved, That when the Senate adjourns it adjourn to meet on Monday, at 7 o'clock p. m.

By unanimous consent, Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act relative to the justices of the peace in the county of Otsego, designated and elected to hold Courts of Sessions in said county, at the general election held on the 8th day of November, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

"An act to legalize certain doings of the Charleston Congregational Society in Lima, Livingston county."

"An act to amend an act entitled 'An act to revise the charter of the city of Syracuse, passed March 3, 1857,' and also to amend an act entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Syracuse, passed March 3, 1857,' passed April 17, 1858.'"

"An act to confer certain powers upon the superintendent of the poor of the county of Genesee."

After some time spent thereon, the President resumed the chair, and Mr. Rotch, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Rotch, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole,

and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for other purposes."

"An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement."

"An act to dissolve the 'Antwerp Company,' organized in 1854, for manufacturing lumber at Antwerp, Jefferson county, New York, under the general law of 1848."

After some time spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Montgomery, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Truman, the Senate adjourned.

MONDAY, JANUARY 30, 1860—7 O'CLOCK P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Burdick.

The journal of Saturday, was read and approved.

Mr. Warner presented two petitions of inhabitants of Oswego co., for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Truman presented three petitions of inhabitants of Tioga county, for extension of the Chenango canal, which were read and referred to the committee on canals.

Also, a petition of citizens of Tioga county, for pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of citizens of Colesville, Broome county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, a petition of inhabitants of Broome county, for extension of Chenango canal, which was read and referred to the committee on canals.

Mr. Hillhouse presented a petition of citizens of Catharine, Schuyler county, for a division of said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Rotch presented two petitions of inhabitants of Otsego county, for aid to the Albany and Susquehanna railroad, which were read and committed to the committee of the whole.

Mr. Ferry presented petitions of inhabitants of Cleveland, Oswego

county, and Vienna, Oneida county, for rebuilding locks on Oneida lake canal, which were read and referred to the committee on canals.

Mr. Bell presented a petition of citizens of Jefferson county, for the completion of the Black river canal and a weigh lock at Carthage, which was read and referred to the same committee.

Also, a petition of citizens of Watertown, for relief of Madison University, which was read and referred to the committee on literature.

Mr. Robertson presented a petition of inhabitants of Westchester, for authority to build a bridge across the Croton river, which was read and referred to the committee on roads and bridges.

Mr. J. M. Murphy presented a petition of citizens of New York and Brooklyn, for a reduction of the rates of ferriage to one cent, which was read and committed to the committee of the whole.

Mr. Ramsey presented a petition of inhabitants of Delaware county, for aid to the Albany and Susquehanna railroad; also, a petition of inhabitants of Schoharie county, on the same subject, which were read and committed to the committee of the whole.

Also, a petition of land-owners of Delaware county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Fiero presented a petition of citizens of Catskill, for amendment to the excise law, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Colvin presented a petition of citizens of Albany county, for the passage of a law giving to persons charged with felony the last argument upon their trials; also, of land-owners of Coeymans, Albany county, for laws to protect them in their rights of property, which were read and referred to the committee on the judiciary.

Mr. Prosser presented a petition of citizens of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of citizens of same county, for increased duties on salt manufactured in this State, which was read and referred to the committee on the manufacture of salt.

Mr. Hammond presented two petitions of inhabitants of Erie county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Also, a remonstrance of citizens of Steuben county, against a division of said county, which was read and referred to the committee on the erection and division of towns and counties.

A message was received and read from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, January 30, 1860.

To the Senate:—I herewith transmit a copy of the telegraphic message received by me on Saturday evening last, in response to the concurrent resolutions adopted by the Senate and Assembly, on the 27th instant, and which was immediately upon its adoption transmitted by telegraph to Governor Dennison, at Columbus, Ohio.

E. D. MORGAN.

BY TELEGRAPH, FROM CINCINNATI, }
January 28, 1860.

To Governor Morgan:—Your kind invitation to the Legislatures and Executive officers of Kentucky, Tennessee and Ohio, to visit Albany, was received too late for present acceptance. We will promptly present it to our respective Legislatures.

BERIAH MAGOFFIN,
Governor of Kentucky.
T. H. NEWMAN,
Pres't of Senate, Tenn.
WM. DENNISON,
Governor of Ohio.

Also, the following communication, to wit:

ALBANY, January 30, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

- Jan. 11. "An act to authorize the supervisors of the county of Rensselaer to audit bills for repairs of county buildings."
25. "An act to authorize the shareholders of the Lockport gas light company to reduce the number of the directors of said company."
25. "An act to expedite the canvass of votes for member of Assembly in the first Assembly district of the county of Delaware, at a special election to be held in such district on Tuesday, the 7th day of February, 1860, under proclamation of the Governor."
28. "An act to repeal the act entitled 'An act to authorize the election of a special judge and surrogate in the county of Essex.'"
28. "An act to legalize the acts of John Kelly, as plankroad inspector."
28. "An act to authorize county clerks to enter satisfaction of judgments in certain cases."
28. "An act authorizing the trustees of school district No. 12, in the towns of Ridgeway and Shelby, Orleans county, to raise money by tax."
28. "An act in relation to the poor house and paupers in Dutchess county."
28. "An act in relation to the fees of the county treasurer in the county of St. Lawrence."

E. D. MORGAN.

Mr. Robertson presented petition of inhabitants of Westchester county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act for holding special terms of the Supreme Court at the times and places appointed for the holding of Circuit Courts and

Courts of Oyer and Terminer, in the 5th judicial district, for the years 1860 and 1861."

"An act relative to the justices of the peace in the county of Otsego, designated and elected to hold Courts of Sessions in said county, at the general election held on the 8th day of November, 1859."

"An act to dissolve the 'Antwerp Company,' organized in 1854, for manufacturing lumber at Antwerp, Jefferson county, New York, under the general law of 1848."

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for taking testimony to be used in certain cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was recommended the bill entitled "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act releasing all the right, title and interest of the State of New York to and in certain lands situated in the 12th ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watts, Junior," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on State prisons, to which was referred the Assembly bill entitled "An act to authorize the agent and warden of the State Prison at Sing Sing, to purchase certain land," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. M. Murphy, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the Orient Wharf company to increase their capital, and to extend said wharf," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to extend the time for the completion of the Buffalo, Bradford and Pittsburgh railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a communication from the Auditor of the Canal Department, in relation to tolls and tonnage on the Champlain canal and Glen's Falls feeder, which was read, laid on the table and ordered printed.

(See Doc. No. 26.)

In pursuance of previous notice, Mr. Hillhouse asked and obtained leave to introduce a bill entitled "An act to erect a new town from the town of Catharine, in Schuyler county, to be called Montour," which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on the erection and division of towns and counties.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a bridge across the mouth of Croton river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Rotch asked and obtained leave to introduce a bill entitled "An act to amend section 15, of title 6, of chapter 1st, part 4th of Revised Statutes, concerning trespasses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act for the prevention of frauds in the transfer of stock, and for the protection of stockholders," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to regulate and reduce the fare on the Buffalo and Erie railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The bill entitled "An act relative to the justices of the peace in the county of Otsego, designated and elected to hold Courts of Sessions in said county, at the general election held on the 8th day of November, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Prosser	Rotch
Bell	Hillhouse	Munroe	Ramsey	Sessions
Colvin	Ketcham	J. M. Murphy	Richmond	Truman
Ferry	McGraw	P. P. Murphy	Robertson	Warner
Fiero				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize certain doings of the Charleston Congregational Society in Lima, Livingston county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Prosser	Rotch
Bell	Hillhouse	Munroe	Ramsey	Sessions
Colvin	Ketcham	J. M. Murphy	Richmond	Truman
Ferry	McGraw	P. P. Murphy	Robertson	Warner
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Syracuse, passed March 3, 1857,' and also to amend an act entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Syracuse, passed March 3, 1857,' passed April 17, 1858,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Montgomery	Prosser	Rotch
Bell	Goss	Munroe	Ramsey	Sessions
Colvin	Hillhouse	J. M. Murphy	Richmond	Truman
Ferry	Ketcham	P. P. Murphy	Robertson	Warner
Fiero	McGraw			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to confer certain powers upon the superintendent of the poor of the county of Genesee," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Montgomery	Prosser	Rotch
Bell	Goss	Munroe	Ramsey	Sessions
Colvin	Hillhouse	J. M. Murphy	Richmond	Truman
Ferry	Ketcham	P. P. Murphy	Robertson	Warner
Fiero	McGraw			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act to dissolve the 'Antwerp Company,' organized in 1854, for manufacturing lumber, at Antwerp, Jefferson county, New York, under the general law of 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Montgomery	Prosser	Rotch
Bell	Goss	Munroe	Ramsey	Sessions
Colvin	Hillhouse	J. M. Murphy	Richmond	Truman
Ferry	Ketcham	P. P. Murphy	Robertson	Warner
Fiero	McGraw			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for holding special terms of the Supreme Court at the times and places appointed for the holding of Circuit Courts and Courts of Oyer and Terminer, in the 5th judicial district, for the years 1860 and 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Prosser	Sessions
Bell	Hillhouse	Munroe	Ramsey	Spinola
Colvin	Ketcham	J. M. Murphy	Richmond	Truman
Ferry	McGraw	P. P. Murphy	Rotch	Warner
Fiero				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act fixing the fees of justices of the peace in civil and criminal cases."

"An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17, 1848."

"An act to amend an act entitled 'An act concerning the Salt Springs and the manufacture of salt,' passed April 15, 1859."

After some time spent thereon, the President resumed the chair, and Mr. J. M. Murphy, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. J. M. Murphy, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Spinola moved that the Assembly bill entitled "An act to alter the map of the late village of Williamsburgh, now city of Brooklyn, by striking out a part of a street," be recommitted to the committee on the incorporation of cities and villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to facilitate the construction on the Albany and Susquehanna railroad."

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for other purposes."

Assembly bill, "An act to amend an act entitled 'An act for the construction of a workhouse in the county of Monroe,' passed May 27, 1853."

After some time spent thereon, the President resumed the chair, and Mr. Gardiner, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Gardiner, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Munroe, and by unanimous consent,

Resolved, That the Senate hereafter meet on Tuesday and Thursday evenings of each week, at 7 o'clock, for the consideration of general orders only.

A message from the Assembly was received and read, informing that they had concurred in the amendments of the Senate to the bill entitled as follows:

"An act relative to railroads in the city of New York."

Ordered, That the Clerk return said bill to the Assembly.

On motion of Mr. Fiero, the Senate adjourned.

TUESDAY, JANUARY 31, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Burdick.

The journal of yesterday was read and approved.

Mr. Bell presented a petition of citizens of Jefferson and Lewis counties, for the completion of the Black River canal and a weigh lock at Carthage, which was read and referred to the committee on canals.

Also, a petition of citizens of Antwerp, Jefferson county, for a prohibitory liquor law, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of citizens of Clayton, Jefferson county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Goss presented three several petitions, of Henry Pardee, of Charles W. Wooster, and of Seneca Boughton, for canal damages, which were read and referred to the committee on claims.

Mr. Warner presented a petition of citizens of Hastings, Oswego county, for rebuilding locks on Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Rotch presented two petitions of inhabitants of Otsego county, for aid to the Albany and Susquehanna railroad, which were read and committed to the committee of the whole.

Mr. Ferry presented a petition of inhabitants of New London, Oneida county, for enlargement of locks on Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Hillhouse presented a petition of citizens of Penn Yan, for an alteration of the bounds of that village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Colvin presented a petition of landowners of Rensselaerville, Albany county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Manierre presented a petition of citizens of New York, against the proposed amendment of the Constitution, in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of New York, for repeal of the act appointing record commissioners, which was read and referred to the committee on the incorporation of cities and villages.

Mr. J. M. Murphy presented a petition of merchants of New York, for a license law for the sale of passage tickets in said city, which was read and referred to the committee on the judiciary.

Mr. Richmond presented a petition of landowners of Schodack, Rensselaer county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Ramsey presented a petition of citizens of Schoharie county, for aid to the Albany and Susquehanna railroad; Also, a petition of citizens of Delaware county, on the same subject; also a petition of citizens of Schenectady county, on the same subject, which were read and committed to the committee of the whole.

Also, a petition of landowners of Schoharie county, for laws to protect them in their rights of property; also a petition of landowners of Colchester, Delaware county, on same subject; which were read and referred to the committee on the judiciary.

Also, a petition of Jacob Fonda, for relief, which was read and referred to the committee on claims.

Mr. Williams presented two petitions of citizens of Wayne county, for a bridge over Sodus Bay, in said county, which was read and referred to the committee on roads and bridges.

Also, a petition of citizens of Wayne county, for the proposed amendment to the Constitution, in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. Spinola gave notice that he would, at an early day, ask leave to introduce a bill to amend the law in relation to the breed of horses.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill to amend section 5, chapter 174, laws of 1853, in relation to laying out private roads, and discontinuing public highways.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the American Museum.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Port Richmond and Bergen Point Ferry company,' passed April 17, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act in relation to the School district No. 5, in the town of Bath, Steuben county," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on literature.

By unanimous consent, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to School district No. 6, in the town of Lyons, Wayne county,' passed April 7, 1856," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Hillhouse asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the village of Penn Yan, in the county of Yates, passed March 29, 1833,' passed March 23, 1852,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to draining certain lands in the town of Cicero, in the county of Onondaga,' passed April 16, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to provide for the better government of common schools in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to incorporate a special board of trustees to hold and manage certain funds, for the benefit of the First Methodist Episcopal church, John street, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Assembly bill entitled "An act to amend an act entitled 'An act for the construction of a workhouse in the county of Monroe,' passed May 27, 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell
Ball
Colvin
Conolly
Fiero

Goss
Hillhouse
Ketchum
Manierre

Montgomery
Munroe
J. M. Murphy
P. P. Murphy

Richmond
Robertson
Roth
Sessions

Spinola
Truman
Warner
Williams

21

Mr. Truman moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Truman, and by unanimous consent, said bill was amended by inserting after the word "Chemung," in line 5, sec. 1, engrossed bill, the words "Tioga and Niagara;" also after word "Chemung," in line 9, same section, the words "Tioga," "Niagara."

Said bill, as amended, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Montgomery	Richmond	Spinola
Bell	Goss	Munroe	Robertson	Truman
Colvin	Hillhouse	J. M. Murphy	Rotch	Warner
Connolly	Ketcham	P. P. Murphy	Sessions	Williams
Ferry	Manierre	Ramsey		

23

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17, 1848."

"An act to amend an act entitled 'An act concerning the Salt Springs and the manufacture of salt,' passed April 15, 1859."

The bill entitled "An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Montgomery	Ramsey	Sessions
Bell	Goss	Munroe	Richmond	Truman
Colvin	Ketcham	J. M. Murphy	Robertson	Warner
Connolly	Manierre	P. P. Murphy	Rotch	Williams
Ferry				

21

Ordered. That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act concerning the Salt Springs and the manufacture of salt,' passed April 15, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Manierre	P. P. Murphy	Rotch
Bell	Goss	Montgomery	Ramsey	Sessions
Colvin	Hillhouse	Munroe	Richmond	Truman
Connolly	Ketcham	J. M. Murphy	Robertson	Warner
Ferry				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. P. P. Murphy,

Resolved, That the Comptroller of this State, be and he is hereby directed to furnish to this Senate, as soon as practicable, a detailed statement of all the expenditures which have been made by the State, directly or indirectly, since the first day of January, 1857, in connection with the effort or for the purpose of removing, protecting and temporarily providing for the Quarantine establishment of the Port of New York.

Mr. Richmond offered the following resolution :

Resolved, That the petitions for a steam ferry between Albany and Troy, presented at the last session, be taken from the files and referred to the committee on commerce and navigation.

Mr. Spinola moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Manierre	Ramsey	Rotch
Bell	Fiero	Montgomery	Richmond	Sessions
Colvin	Goss	Munroe	Robertson	Truman
Connolly	Ketcham	P. P. Murphy		

18

FOR THE NEGATIVE.

J. M. Murphy	Spinola
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2

Mr. Spinola offered the following resolution :

Resolved, That executive sessions of the Senate, shall be held with open doors until otherwise ordered.

Ordered, That said resolution be laid on the table.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of the general orders.

After some time spent thereon the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would take up the special order, being the consideration of the annual message of His Excellency the Governor.

On motion of Mr. Fiero, the special order was postponed until Tuesday next, at 12 noon.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act fixing the fees of justices of the peace in civil and criminal cases."

"An act to facilitate the construction of the Albany and Susquehanna railroad."

"An act to provide the means for the completion of the canals of

this State, and fully supply them with water, and for other purposes."

After some time spent thereon, the President resumed the chair, and Mr. J. M. Murphy, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. J. M. Murphy, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Colvin moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide for the election of a police justice in the village of Watertown, and for other purposes."

"An act authorizing the board of education in the city of Troy to annex the lands of William Gary and others, situate in said city, to some school district in said city."

"An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad."

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Spinola, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

A message from the Assembly was received and read, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act relative to the justices of the peace in the county of Otsego, designated and elected to hold Courts of Sessions in said county, at the general election held on the 8th day of November, 1859."

"An act for holding special terms of the Supreme Court at the times and places appointed for the holding of Circuit Courts and Courts of Oyer and Terminer in the fifth judicial district, for the years 1860 and 1861."

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Bell, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act for the relief of 'The Corporation for the relief of Widows and Children of Clergymen of the Protestant Episcopal Church in the State of New York.'"

"An act to facilitate the construction of the Albany and Susquehanna railroad."

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for other purposes."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported in favor of the passage of the first named bill, without amendment.

Mr. Spinola moved to lay the report of the committee of the whole on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lawrence, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lawrence, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Ramsey, the Senate adjourned.

WEDNESDAY, FEBRUARY 1, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. McClintock.

The journal of yesterday was read and approved.

Mr. Munroe presented a petition of citizens of Onondaga county, for a prohibitory liquor law, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Bell presented two petitions of citizens of Jefferson county, for a prohibitory liquor law, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Connolly presented the petition of James B. Brady, for relief, which was read and referred to the committee on the judiciary.

Mr. Truman presented a petition of citizens of Tioga county, for extension of the Chenango canal, which was read and referred to the committee on canals.

Also, a petition of citizens of same county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Hillhouse presented a petition of Abel Downs and Seabury Gould, in relation to canal damages, which was read and referred to the committee on claims.

Also, a petition of citizens of Seneca Falls, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Williams presented a petition of citizens of Wayne county, for the proposed amendment to the Constitution in relation to the

judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Huron, for a Bridge over Great Sodus Bay, in Wayne county, which was read and referred to the committee on roads and bridges.

Mr. Fiero presented a petition of citizens of Greene county, for a prohibitory liquor law, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of citizens of same county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Goss presented a petition of members of the bar of Monroe county, for the proposed amendment to the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. Abell presented a petition of citizens of Livingston county, for protection of fish in Hemlock lake, which was read and committed to the committee of the whole.

Mr. Rotch presented a petition of inhabitants of Otsego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, two petitions of inhabitants of Otsego county, for aid to the Albany and Susquehanna railroad, which were read and committed to the committee of the whole.

Mr. Prosser presented a petition of citizens of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. McGraw presented a petition of citizens of Broome county, for extension of Chenango canal, which was read and referred to the committee on canals.

Mr. Ramsey presented a petition of citizens of Schoharie county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, a petition of land-owners of same county, for protection in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Colvin presented a petition of landowners of Albany county, for protection to their rights of property, which was read and referred to the committee on the judiciary.

Mr. Lawrence presented a remonstrance of supervisors of Richmond county, against passage of Quarantine bill, which was read and referred to the committee on commerce and navigation.

Also, a petition of citizens of New York, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Spinola presented a petition of Wm. Gilmore and others, for alteration of Brooklyn water act, which was read and referred to the committee on the incorporation of cities and villages.

Also, a memorial of managers of House of Refuge, in New York,

asking an appropriation for said institution, which was read and referred to the committee on finance.

Also, a petition of Cornelius DuBois, in relation to certain lands in the county of Kings, which was read and referred to the committee on the judiciary.

Mr. Lawrence presented a remonstrance of citizens of Brooklyn, against alteration or repeal of water act, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to provide for the location of the surrogate's office of Wayne county and furnishing the same, and for furnishing books for said county," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was recommitted the petition of A. F. Stark and others, for a law for the preservation of fish and game, reported by bill entitled "An act for the preservation of fish in the Crooked lake," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Connolly, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to provide for the election of a police justice in the village of Watertown, and for other purposes."

"An act fixing the fees of justices of the peace in civil and criminal cases."

Mr. Rotch, from the committee on agriculture, to which was re-committed the bill entitled "An act in relation to bale hay and hay scales," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on the erection and division of towns and counties, to which was referred the bill entitled "An act to erect a new town from the town of Catharine, in Schuyler county, to be called Montour," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ketcham, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend the charter of the Agricultural Insurance company, and to authorize that company to change its place of business,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on State Prisons, to which was referred the bill entitled "An act to increase the compensation of assistant matrons of Sing Sing Female prison," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities

and villages, to which was referred the petition of citizens of the village of Gloversville, for the passage of a law to change the time for holding the election for officers of that village, reported by bill entitled "An act authorizing the election of trustees and other officers of the village of Gloversville," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the petition of citizens of the village of Pike, Wyoming county, for the passage of a law reviving the corporation of said village, reported by bill entitled "An act to provide for the election of officers of the village of Pike, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Binghamton Waterworks company,' passed April 13, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act authorizing the trustees of the village of Albion, Orleans county, to raise money by tax for certain purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act further to amend the charter of the village of Dunkirk, and to provide for holding town and village elections on the same day, in and for the town of Dunkirk," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the village of Bath,' passed June 20, 1851," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act for the prevention of frauds in the transfer of stock, and for the protection of stockholders," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act in relation to preferred causes in the Supreme Court, and Court of Appeals," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was re-

ferred the petition of citizens of Albany county, for a law giving to persons charged with felony, the last argument upon the trial, reported by bill entitled "An act giving to counsel for persons charged with felony, the last argument upon the trial," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 64, title 4, chap. 6, of the 2d part of the Revised Statutes, relative to suits against heirs and devisees," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, in the words following, to wit:

Resolved, That a respectful message be sent to the Senate requesting that body to send to this House the petition for a change of name of the Sabbatarian Baptist Church and Society of Brookfield, and that when such petition is received, it be referred to the committee on charitable and religious societies.

Ordered, That the Clerk transmit said papers.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled "An act in relation to the cutting of ice on the Hudson river," with the following amendment:

Insert said amendment after the word "State" in line 4 engrossed bill, instead of after the word "River," in the third line of said bill.

Mr. Fiero moved to concur in the amendment of the Assembly, with a further amendment, as follows: Strike out the words "within the bounds of the counties of Ulster and Dutchess," in the third and fourth lines of section one of engrossed bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	Prosser	Sessions
Bell	Hammond	Montgomery	Ramsey	Truman
Colvin	Hillhouse	J. M. Murphy	Robertson	Warner
Connolly	Ketcham	P. P. Murphy	Rotch	Williams
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment, and further amended the same.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish a Metropolitan Police district, and to provide for the government thereof,' passed April 15, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act to amend section 5, chapter 174, laws of 1853, in relation to laying out private roads and

discontinuing public highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. McGraw asked and obtained leave to introduce a bill entitled "An act to incorporate the Chenango County Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to amend the sixth section of an act entitled 'An act for the incorporation of associations for improving the breed of horses, passed April 15, 1854,' and also to amend the first section of an act passed April 15, 1857, amending the fifth section of the above act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The bill entitled "An act fixing the fees of justices of the peace in civil and criminal cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and the vote was as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Montgomery	Prosser	Sessions
Colvin	Hillhouse	J. M. Murphy	Ramsey	Truman
Fiero	Ketcham	P. P. Murphy	Rotch	Warner
Goss	McGraw			

17

FOR THE NEGATIVE.

Abell	Spinola	Williams
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3

The constitutional quorum not voting thereon, the bill was laid aside.

The bill entitled "An act to provide for the election of a police justice in the village of Watertown, and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lawrence	P. P. Murphy	Sessions
Bell	Goss	McGraw	Prosser	Spinola
Colvin	Hammond	Manierre	Robertson	Warner
Connolly	Hillhouse	Montgomery	Rotch	Williams
Ferry	Ketcham	Munroe		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Ramsey, and by unanimous consent, the bill entitled "An act fixing the fees of justices of the peace in civil and criminal cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Prosser	Sessions
Colvin	Hammond	Montgomery	Ramsey	Spinola
Connolly	Hillhouse	Munroe	Robertson	Truman
Ferry	Ketcham	J. M. Murphy	Rotch	Warner
Fiero	Lawrence	P. P. Murphy		

23

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act authorizing the board of education in the city of Troy to annex the lands of William Gary and others, situate in said city, to some school district in said city."

On motion of Mr. Fiero,

Resolved, That the petition and papers relating to the claim of Noone and Fitzgerald for canal damages, be taken from the files and referred to the committee on claims.

On motion of Mr. Lawrence,

Resolved, That the papers on file relating to the claim of Josiah Blackwell, be taken therefrom and referred to the committee on claims.

Mr. J. M. Murphy offered the following resolution:

Resolved, (if the Assembly concur,) That the Clerk of the Senate, under the direction of the joint library committee of the Senate, is hereby directed to procure the publication of 1,500 copies of the Journal of the Legislative Council of New York, from the year 1691 to the year 1776.

Ordered, That said resolution be laid on the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, and after some time spent thereon, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

After some time spent therein, the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend the Revised Statutes, in relation to division fences."

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for other purposes."

"An act for the further relief of orphan and destitute children."

After some time spent thereon, the President resumed the chair, and Mr. Connolly, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Connolly, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

On motion of Mr. Goss, the Senate adjourned.

THURSDAY, FEBRUARY 2, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Cohn.

The journal of yesterday was read and approved.

Mr. Goss presented a remonstrance of Thomas P. Danforth, against the repeal of the law fixing tolls on the western ten miles of Schoharie turnpike, which was read and referred to the committee on roads and bridges.

Mr. Williams presented two petitions of citizens of Wayne county, for a bridge over Sodus Bay, in said county, which was read and referred to the committee on roads and bridges.

Mr. Rotch presented a petition of inhabitants of Otsego county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, a petition of inhabitants of Otsego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ferry presented a petition of citizens of Utica, for extension of Chenango canal, which was read and referred to the committee on canals.

Also, a petition of inhabitants of Vienna, Oneida county, for rebuilding the locks on the Oneida Lake canal, which was read and referred to the committee on canals.

Mr. McGraw presented a petition of citizens of Madison county, for extension of Chenango canal, which was read and referred to the committee on canals.

Also, three petitions of citizens of Tompkins and Cortland counties, for a personal liberty law, which were read and referred to the committee on the judiciary.

Mr. Warner presented two petitions of citizens of Oswego county, for the proposed amendment of the Constitution, in relation to the judiciary, which were read and referred to the committee on the judiciary.

Mr. Richmond presented a petition of landowners of Rensselaer county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Colvin presented a petition of landowners of Albany county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to consolidate and amend the several acts relating to the village of Catskill," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties; to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to draining certain lands in the

town of Cicero, in the county of Onondaga,' passed April 16, 1858," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Williams, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Citizens' Savings bank, of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act for the relief of Noone and Fitzgerald," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act for the relief of the widow and children of Joseph Sayres, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to amend sections 294 and 304 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act authorizing Courts of Sessions to transfer proceedings to the Oyer and Terminer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of fire insurance companies,' passed June 25, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for a supply of water in the village of Cohoes,' passed April 12, 1856," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The bill entitled "An act authorizing the board of education in the city of Troy to annex the lands of William Gary and others, situate in said city, to some school district in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell
Blood

Goss
Hammond

McGraw
Manierre

Richmond
Robertson

Spinola
Truman

Colvin	Kelly	Munroe	Rotch	Warner	
Ferry	Ketcham	Prosser	Sessions	Williams	
Fiero	Lawrence	Ramsey			23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend the Revised Statutes, in relation to division fences."

The bill entitled 'An act to amend the Revised Statutes, in relation to division fences,' was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Lawrence	Ramsey	Truman	
Blood	Goss	McGraw	Richmond	Warner	
Colvin	Kelly	Munroe	Rotch	Williams	
Ferry	Ketcham	Prosser			18

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Lawrence,

Resolved, That the papers, petitions, &c., on file, relative to the quarantine bills, be taken therefrom and referred to the committee on commerce and navigation.

On motion of Mr. Fiero,

Resolved, That when the Senate adjourns to-morrow, Feb. 3d, it adjourn until Monday, Feb. 6th, at 7 o'clock p. m.

Mr. Fiero moved to take from the table the report of the committee of the whole on the Assembly bill entitled "An act for the relief of 'The Corporation for the relief of Widows and children of Clergymen of the Protestant Episcopal Church in the State of New York.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Spinola, said bill was recommitted to the committee on charitable and religious societies, and to retain its place on the general orders.

The President presented a communication from Hon. H. H. Van Dyck, inviting the members and officers of the Senate to attend at the lecture room of the State Normal school and hear the annual address of Rev. S. T. Seelye.

On motion of Mr. J. M. Murphy, the invitation was accepted.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for other purposes."

"An act for the further relief of orphan and destitute children."

"An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement."

After some time spent thereon, the President resumed the chair, and Mr. J. M. Murphy, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. J. M. Murphy, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. J. M. Murphy, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The President presented a communication from H. C. Wright, inviting the members of the Senate to attend the Anti-Slavery Convention, now in session in this city.

Mr. Hammond moved that the invitation be accepted.

Mr. Session moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the Suffolk County Society."

"An act to amend an act passed March 10, 1834, entitled 'An act to incorporate the fire department of the city of Hudson.'"

"An act to authorize B. D. Carpenter and others, to build a draw bridge over James creek."

After some time spent thereon, the President resumed the chair, and Mr. Manierre, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Manierre, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad."

Assembly bill, "An act authorizing the trustees of the board of education of Union Free School district No. 2, of the town of West Farms, Westchester county, to raise money to purchase site, build school house and furnish the same, in said district."

"An act in relation to ferries between New York and Brooklyn."

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported progress on said bills and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act in relation to commercial paper,' passed April 14, 1857."

"An act relative to the attendance of petit jurors at County Courts and Courts of Sessions."

"An act to authorize Henry Billingham and William C. Rowley to apply to the surrogate of Monroe county for leave to sell all the real estate of S. Marvin Hughes, deceased."

After some time spent thereon, the President resumed the chair, and Mr. Fiero, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Fiero, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Ramsey moved that the Assembly bill entitled "An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, Junior," be referred to next committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members present voting in favor thereof.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester."

Assembly bill, "An act to amend the charter of the village of Ogdensburgh."

Assembly bill, "An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th Ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, Junior."

After some time spent thereon, the President resumed the chair, and Mr. Ketcham, from said committee, reported in favor of the passage of the two first named bills, without amendment, and said first named bill was ordered engrossed for a third reading.

Mr. Ketcham, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill to authorize the con-

struction of a railroad in 7th avenue, and in certain streets of the city of New York.

By unanimous consent, Mr. J. M. Murphy gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the National Democratic Hall Association, in the city of New York.

Also, a bill to authorize the construction of a railroad in 14th street and other streets of the city of New York.

Also, a bill to authorize the construction of a railroad in Avenue D, East Broadway, and other streets of the city of New York.

On motion of Mr. McGraw, the Senate adjourned.

FRIDAY, FEBRUARY 3, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Cohn.

The journal of yesterday was read and approved.

Mr. Munroe presented two petitions of citizens of Onondaga co., in favor of the proposed amendment to the Constitution, in relation to the judiciary, which were read and referred to the committee on the judiciary.

Mr. Blood presented a petition of citizens of Saratoga county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. McGraw presented a petition of citizens of Cortland county, for aid to Madison University, which was read and referred to the committee on literature.

Also, a petition of citizens of same county, for a prohibitory liquor law, which was read and referred to the committee on the internal affairs of towns and counties.

Also, four petitions of citizens of same county, for a personal liberty bill, which were read and referred to the committee on the judiciary.

Mr. Ramsey presented two petitions of citizens of Schenectady and Schoharie counties, for aid to the Albany and Susquehanna railroad, which were read and committed to the committee of the whole.

Also, a petition of landowners of Delaware county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Richmond presented a petition of landowners of Rensselaer county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Also, two petitions of citizens of Washington county, for improving the navigation of the Champlain canal, which were read and referred to the committee on canals.

Mr. Colvin presented a petition of inhabitants of Albany county, for protection to their rights of property, which was read and referred to the committee on the judiciary.

Mr. Rotch presented three petitions of citizens of Otsego county, for aid to the Albany and Susquehanna railroad, which were read and committed to the committee of the whole.

Mr. Hammond presented a petition of inhabitants of Schuyler co., for division of the town of Catharine, which was read and committed to the committee of the whole.

Mr. Lapham presented two petitions of citizens of Warren county, for improving the navigation of the Champlain canal, which were read and referred to the committee on canals.

Mr. Robertson presented a petition of Moses H. Grinnell and others, in relation to the establishment of a wrecking company in the city of New York, which was read and referred to the committee on commerce and navigation.

Mr. Lapham presented a petition of inhabitants of Essex county, for improvement of navigation on the Champlain canal, which was read and referred to the committee on canals.

Mr. Truman, from the committee on claims, to which was referred to Assembly bill entitled "An act to amend an act entitled 'An act for the relief of Thomas F. Woodworth,' passed April 16, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the board of supervisors of Westchester county, to purchase the Rapelyea or Pelham bridge," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act for the protection of the bridge across the Oswego river, at Minetto, Oswego county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the bill entitled "An act to incorporate 'The Homœopathic Medical College of the State of New York, in the city of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the bill entitled "An act to incorporate the New York College of Dental Surgeons," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend the sixth section of an act entitled 'An act for the incorporation of associations for improving the breed of horses, passed April 15, 1854,' and also to amend the first section of an act passed April 15, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Blood gave notice that he would, at an early day, ask leave

to introduce a bill to amend the act authorizing the incorporation of rural cemetery associations, passed April 27, 1847.

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the Onondaga County Savings bank.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to authorize the Commissioners of the Land Office to sell and release to the city of New York, certain lands.

By unanimous consent, Mr. Warner asked and obtained leave to introduce a bill entitled "An act to revise the charter of the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Fiero, from a majority of the committee on privileges and elections, to which was referred the bill entitled "An act to amend an act entitled 'An act respecting elections other than for militia officers,' passed April 5, 1842," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 3, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The Assembly bill entitled "An act to amend the charter of the village of Ogdensburgh," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Colvin	Hillhouse	Montgomery	Prosser	Sessions
Connolly	Ketcham	Munroe	Ramsey	Spinola
Fiero	Lapham	J. M. Murphy	Richmond	Truman
Goss	Lawrence	P. P. Murphy	Rotch	Warner
Hammond	McGraw			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Blood,

Resolved, That the memorial and report, and other papers on the files of the Senate relating to the claim of Elias P. Gilman, be taken from the files and referred to the committee on claims.

By unanimous consent, Mr. Warner had leave to move that the bill entitled "An act to revise the charter of the city of Oswego," be referred to the committee on the incorporation of cities and villages, to report complete.

The President put the question whether the Senate would agree

to said motion, and it was decided in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. Robertson,

Resolved, That the committee on the judiciary be associated with the committee on commerce and navigation, on the bill entitled "An act to provide for ascertaining and collecting the damages caused by the destruction of the Marine Hospital and other buildings and property at Quarantine."

By unanimous consent, Mr. Truman gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to protect the owners of Hugg Town Pond, in the preservation of fish."

A message from the Assembly was received and read, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act authorizing the commissioners of highways of Orangetown, in the county of Rockland, to build a bridge across the Sparkill."

Ordered, That the Clerk deliver said bill to the Governor.

Mr. Hillhouse offered the following resolution:

Resolved, That there be printed for the use of the Senate 3,000 extra copies of the annual report of the Superintendent of Public Instruction.

Ordered, That said resolution be referred to the committee on public printing.

A message from the Assembly was received and read, informing that they had concurred in the amendments of the Senate to the following entitled bills:

"An act in relation to the cutting of ice on the Hudson river."

"An act to amend an act entitled 'An act for the construction of a workhouse in the county of Monroe,' passed May 27, 1853."

Ordered, That the Clerk return said bills to the Assembly.

Mr. Munroe offered the following resolution:

Resolved, That there be printed for the use of the Senate 3,000 extra copies of the annual report of the Canal Commissioners.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Spinola offered the following resolution:

Resolved, That the committee having in charge the several nominations made by the Governor, for Harbor Masters and Port Wardens, be and they are hereby authorized to send for persons and papers.

Mr. Spinola was proceeding to debate the resolution, and having referred to matters in executive session, when he was called to order by Mr. Robertson, who raised the point of order that it was out of order to disclose proceedings of executive session.

The President decided the point of order well taken.

Mr. Spinola was again proceeding to debate the question, when he was called to order by Mr. Robertson, who raised the point of order, that under the rules, having been declared out of order he could not again proceed without consent of the Senate.

The President decided the point of order well taken.

Mr. Spinola moved that he be allowed to proceed, and was again proceeding to debate

When Mr. Ramsey raised the point of order, that the Senator having been decided out of order could not debate the merits of the question under a motion that he be allowed to proceed.

The President decided the point of order well taken.

Mr. Munroe moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Spinola rose to a question of privilege, and asked that he be allowed to state his reasons for debating the question, and was proceeding to debate,

When the President decided the Senator out of order.

Mr. Spinola raised the point of order that a motion to allow a Senator to proceed was debateable.

The President decided that a Senator ruled out of order had no right to discuss the main question under a motion that he be allowed to proceed in order.

The President put the question whether the Senate would agree to the motion to allow the Senator from the 3rd to proceed, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Fiero	Kelly	Manierre	Truman	
Colvin	Hammond	Lawrence	Spinola		9

FOR THE NEGATIVE.

Ferry	Lapham	Munroe	Ramsey	Sessions	
Hillhouse	McGraw	P. P. Murphy	Robertson	Warner	
Ketcham	Montgomery	Prosser	Rotch		14

Mr. McGraw moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Ferry	Hillhouse	Montgomery	Ramsey	Rotch	
Fiero	Ketcham	Munroe	Richmond	Sessions	
Goss	Lapham	P. P. Murphy	Robertson	Warner	
Hammond	McGraw	Prosser			18

FOR THE NEGATIVE.

Colvin	Lawrence	Manierre	Spinola	Truman	
Kelly					6

Mr. Lawrence moved to reconsider the vote just taken, and was proceeding to debate, and having referred to matters relating to executive session,

When Mr. Fiero raised the point of order that the Senator was out of order in alluding to matters which took place in executive session.

The Senator was still proceeding to debate,

When Mr. Sessions raised the point of order that all motions, resolutions or debate relating to matters transpiring in executive session, were out of order.

The President decided the point of order well taken.

Mr. Spinola was again proceeding to debate, and referring to matters of executive session,

When Mr. Fiero raised the point of order that he was alluding to matters transpiring in executive session.

The President decided the point of order well taken.

Mr. Hammond moved to lay the motion to reconsider on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Ferry	Hillhouse	Montgomery	Ramsey	Rotch	
Fiero	Ketcham	Munroe	Richmond	Sessions	
Goss	Lapham	P. P. Murphy	Robertson	Warner	
Hammond					10

FOR THE NEGATIVE.

Blood	Colvin	Lawrence	Spinola	Truman	5
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Mr. Spinola moved to reconsider the vote just taken.

The President decided the motion out of order.

Mr. Spinola appealed from the decision of the chair.

Mr. Prosser moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then adjourned until Monday evening, at 7 o'clock.

MONDAY, FEBRUARY 6, 1860—7 O'CLOCK P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dickson.

The journal of Friday, was read and approved.

Mr. Lapham presented a petition of citizens of Warren county, for constitutional amendments, in relation to judiciary, which was read and referred to the committee on the judiciary.

Mr. Grant presented two petitions of inhabitants of Neversink, Rockland county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. P. P. Murphy presented a petition of inhabitants of Genesee county, for abolishing the death penalty as a punishment for crime, which was read and referred to the committee on the judiciary.

Mr. Ferry presented two petitions of inhabitants of the town of Verona, Oneida county, for building locks on the Oneida Lake canal, which were read and referred to the committee on canals.

Mr. Fiero presented a petition of citizens of Ulster county, in favor of a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Prosser presented a petition of Curtis L. Brace and other citizens, for a law to prevent the railroads from discrimination against the property of the citizens of this State in favor of the property of the citizens of other States, which was read and referred to the select committee on that subject.

Mr. Montgomery presented a petition of M. M. Roberts, for relief, which was read and referred to the committee on claims.

Mr. Richmond presented a petition of landholders of Brunswick, Rensselaer county, for the passage of laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Bell presented a petition of John W. Ingalls and fifty-three others, citizens of Clayton, Jefferson county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Robertson presented a petition of thirty-four inhabitants of Lewisborough, Westchester county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Spinola presented a petition of Charles Kelsey, Daniel Richards and others, for an amendment of Brooklyn water act; also a petition of Rollin Sanford and others, on the same subject; which were read and referred to the committee on the incorporation of cities and villages.

Mr. Ramsey presented a petition of citizens of Schoharie county, for aid to the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, a petition of landholders of Schoharie county, for a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Grant presented a petition of landowners of Rockland county, for a law to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Sessions presented a petition of citizens and merchants of Westfield, Chautauqua county, to reduce the fare on the Buffalo and Erie railroad, which was read and referred to the committee on railroads.

Mr. Williams presented two petitions of inhabitants of Huron, Wayne county, for a bridge across Great Sodus bay, in said county, which were read and referred to the committee on roads and bridges.

Mr. Goss presented a petition of supervisors of the city and county of New York, for the repeal of an act entitled "An act for the appointment of commissioners of records for the city and county of New York," which was read and referred to the committee on the incorporation of cities and villages.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act to provide for building and repairing bridges in the town of Greene, in the county of Chenango, and to defray the expenses thereof by taxation," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize lateral plank, turnpike or flag stone roads in Ulster county," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of the infant children of Sarah A. Boreel," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to proceedings to compel the determination of claims to real property, in certain cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act authorizing the board of supervisors of Westchester county, or agents appointed by said board, to build a bridge across Croton river," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend section 5, chap. 174, laws of 1853, in relation to laying out private roads and discontinuing public highways," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to relieve the Tonawanda band of Seneca Indians from certain tax on the Tonawanda Reservation and to prevent intrusions thereon," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act for the relief of the Academy of Music, in the city of New York," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Williams, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Chenango county savings bank," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a remonstrance from the New York chamber of commerce, against the pro rata freight law, which was read and referred to the select committee on that subject.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act for the relief of Julius G. Nordman, a member of company A, of the first regiment of New York volunteers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the appointment of commissioners to examine and report on the claim of John Gihon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

'An act to amend an act passed April 15, 1857, entitled 'An act to provide for the appointment of commissioners for the adjustment and payment of certain claims for the services of the militia of this

State, in the war of 1812,' passed April 8, 1859,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

"An act to authorize the common council of the city of Troy to purchase and convey to the State of New York, a site for a regimental armory," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

"An act to legalize the official acts of George Aldrich as justice of the peace," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing a grant of half an acre of land in lot fifty-one, Stirling, to the trustees of the Free Will Baptist Church, and their successors, in the town of Wolcott, Wayne county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend section 135 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate 'The Athenæum Association,' in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act for the relief of Daniel Cameron," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on grievances.

"An act to authorize the National Bank of Albany, to reduce its capital stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

The President presented a communication from the Attorney General, in reply to resolution of Senate, relative to board of supervisors of the city and county of New York, which was read, laid on the table and ordered printed.

(See Doc. No. 37.)

A communication from the Assembly was received, in the words following:

On motion of Mr. Powell,

Resolved, That a respectful message be sent to the Hon. the Senate, requesting that body to transmit to this House the papers on their files relative to sale of real estate of Phineas Bates, deceased, and that when received they be referred to the committee on the judiciary. By order, WM. RICHARDSON, Clerk.

Ordered, That the Clerk transmit said papers.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill for the relief of Matthew M. Roberts.

Mr. Colvin gave notice that he would, at an early day, ask leave to introduce a bill to authorize the Watervliet Turnpike company to lay

rails for a horse railroad on the bed of their road, and to extend the same to the steamboat landing in the city of Albany, and to the upper ferry in the village of West Troy or to the city of Troy, and to increase the capital stock of said company, and to incorporate in said act such provisions as may be necessary to effect that object.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act for the incorporation of religious societies, passed April 5, 1813,' and the several acts amendatory thereof, passed March 30, 1850,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to secure to creditors a just division of the estate of debtors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act for the appointment of commissioners to erect a tomb for the remains, and a monument in commemoration of the American prisoners, who died on board of the British prison ships in the Wallabout bay during the revolution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

By unanimous consent, Mr. Spinola gave notice that he would, at an early day, ask leave to introduce a bill to protect the purchasers of fertilizers.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act for the relief of Cornelius DuBois, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Munroe offered the following resolution :

Resolved, That there be printed for the use of the Senate 2,000 extra copies of the annual report of the Inspectors of State Prisons.

Ordered, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad."

"An act constituting the village of Monticello, in the county of Sullivan, a separate road district, and to extend and enlarge the powers of the officers of said village."

"An act in regard to divorces dissolving the marriage contract."

After some time spent thereon, the President resumed the chair, and Mr. Richmond, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Richmond, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Richmond, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to ferries between New York and Brooklyn."

"An act to amend an act entitled 'An act in relation to commercial paper,' passed April 14, 1857."

Assembly bill, "An act for the preservation of fish in Hemlock lake and the outlet thereto, lying within the counties of Livingston and Ontario."

After some time spent thereon, the President resumed the chair, and Mr. Colvin, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

A message was received and read from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, February 6, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

Jan. 30. "An act in relation to railroads in the city of New York."

Feb. 4. "An act making appropriations to pay the interest on the temporary loan, and to provide for the payment of the floating debt of the State."

4. "An act to confirm the incorporation of the Oswego Chair Factory, of the city of Oswego."

4. "An act to amend an act entitled 'An act to revise the charter of the city of Syracuse, passed March 3, 1857,' and also to amend an act entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Syracuse, passed March 3, 1857,' passed April 17, 1858.'"

4. "An act authorizing the commissioners of highways of Orangetown, in the county of Rockland, to build a bridge across the Sparkill."

4. "An act to legalize certain doings of the Charleston Congregational Society in Lima, Livingston county."

4. "An act relative to the justices of the peace in the county of Otsego, designated and elected to hold Courts of Sessions in said county, at the general election held on the 8th day of November, 1859."

4. "An act for holding special terms of the Supreme Court at the times and places appointed for the holding of Circuit Courts and Courts of Oyer and Terminer, in the 5th judicial district, for the years 1860 and 1861."

E. D. MORGAN.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the relief of Peter Murray."

"An act to provide for taking testimony to be used in certain cases."

"An act for the protection of the property in trade, and the earnings of married women."

After some time spent thereon, the President resumed the chair, and Mr. Blood, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Blood, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Blood, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to extend the time for the completion of the Buffalo, Bradford and Pittsburgh railroad."

Assembly bill, "An act to authorize the agent and warden of the State Prison at Sing Sing, to purchase certain land."

"An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors."

After some time spent thereon, the President resumed the chair, and Mr. Lapham, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Lapham, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Colvin, the Senate adjourned.

TUESDAY, FEBRUARY 7, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dickson.

The journal of yesterday was read and approved.

Mr. Lapham presented a memorial of A. A. Lawrence & Co. and thirty-nine others, against removal of East river steamboat landing, which was read and referred to the committee on commerce and navigation.

Mr. Abell presented a memorial of R. L. & A. Stewart and thirty-eight others, against removal of East river steamboat landing, which was read and referred to the committee on commerce and navigation.

Also, a remonstrance of 105 citizens of Conesus, Livingston co., against the passage of a law prohibiting fishing with seines or nets in Hemlock lake, which was read and laid on the table.

Mr. Robertson presented a memorial of Moses H. Grinnell and forty-two others, against removal of East river steamboat landing, which was read and referred to the committee on commerce and navigation.

Also, two remonstrances of citizens of Brooklyn, against change in water act, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Blood presented a petition of citizens of the towns of Hope and Mansfield, for the formation of a new town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Hammond presented three petitions of members of the bar of Steuben county, for the proposed amendment to the Constitution, in relation to the judiciary, which were read and referred to the committee on the judiciary.

Also, a memorial of W. A. Ransom & Co. and forty-one others, against removal of East river steamboat landing, which was read and referred to the committee on commerce and navigation.

Mr. Ramsey presented a petition of landowners of Schenectady county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Delaware county, for aid to the Albany and Susquehanna railroad, which was read and laid on the table.

Also, a memorial of A. Bininger & Co. and forty others, against removal of East river steamboat landing, which was read and referred to the committee on commerce and navigation.

Mr. Ferry presented seven petitions of citizens of Oneida county, for rebuilding locks on Oneida Lake canal, which were read and referred to the committee on canals.

Mr. Warner presented a petition of citizens of Mexico, Oswego co., for a law to prevent slave hunting, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Oswego county, in favor of the Constitutional amendment, in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of inhabitants of Oswego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Truman presented a memorial of Horace Waldo and thirty-six others, against removal of East river steamboat landing, which was read and referred to the committee on commerce and navigation.

Mr. Richmond presented a petition of members of the bar of Rensselaer county, for the proposed amendment to the Constitution, in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of landowners of Rensselaer county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. McGraw presented a petition of citizens of Madison county, for rebuilding locks on Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Goss presented a petition of citizens of Monroe county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of mayor and common council of Rochester, for an amendment of the insurance laws, which was read and referred to the committee on insurance companies.

Mr. Prosser presented a petition of citizens of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Messrs. Manierre, Prosser and Spinola, each presented memorials of merchants' of New York, against removal of East river steamboat landing, which were read and referred to the committee on commerce and navigation.

Mr. Grant presented a petition of citizens of Sullivan county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Fiero presented a petition of citizens of Greene county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Colvin presented a petition of landowners of Albany county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Bell presented a petition of citizens of Jefferson county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river, in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Minstrel Fund Association," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Hammond, from the committee on the the judiciary, to which was referred the Assembly bill entitled "An act to amend the Revised Statutes, in relation to security for costs," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson moved to reconsider the vote just taken, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act relative to unclaimed deposits in savings banks," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 15, of title 6, of chapter 1st, part 4th of the Revised Statutes, concerning trespasses," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Hammond, from a majority of the committee on the judiciary, to which was referred the concurrent resolutions adopted by the Legislature of 1859, in relation to an amendment of the Constitution, concerning the judiciary of the State, reported in writing, and in favor of the following resolutions:

Whereas, at the last session of the Legislature, the following amendments to the Constitution were proposed, viz:

From and after the third Tuesday of June, eighteen hundred and sixty, the Court of Appeals shall consist of six judges, to be chosen by the electors of this State. The four judges who may then be in office by previous election or appointment shall continue to hold until the expiration of their respective terms. On the third Tuesday of May, eighteen hundred and sixty, an election shall be held, at which two judges of said court shall be chosen, whose terms shall commence on the third Tuesday of June, eighteen hundred and sixty. The term of one of them shall expire in nine years from the thirty-first day of December following, and of the other in eleven years from the same time. At the general election in the year eighteen hundred and sixty-one, and in every second year thereafter, unless the Legislature shall by law appoint a different day, one judge of said court shall be chosen for a term of twelve years from and after the thirty-first day of December, next after such election. Four judges shall constitute a quorum. In case of the absence or inability to serve, of any judge or judges, the Governor may appoint one or more justices of the Supreme Court to serve for the time being.

Section seven, of article six of the Constitution, is hereby abrogated, and the following provision substituted.

The judges of the Court of Appeals and the justices of the Supreme Court shall receive, at stated times, for their services, a compensation, to be established by law; the provision made for such compensation, by act of the Legislature, in the year eighteen hundred and fifty-seven, shall apply to judges and justices, then in office, as well as those thereafter elected or appointed, and the same shall be deemed to have taken effect accordingly from the first day of January, eighteen hundred and fifty-eight.

Section fourteen, of article six of the Constitution, is amended as follows :

The county court shall have such original and appellate jurisdiction as the Legislature may prescribe.

And whereas, the said proposed amendments were then agreed to by a majority of the members elected to each of the two houses, and entered on the journals, with the ayes and noes taken thereon, and referred to the Legislature to be chosen at the next general election of senators, then ensuing: *And whereas*, the said proposed amendments have been duly published for three months previous to making such choice, in pursuance of the provisions of the first section of the thirteenth article of the Constitution.

Resolved, (if the Assembly concur,) That the Senate do agree to the proposed amendment.

(See Doc. No. 33.)

Mr. Colvin, from the minority of said committee, reported in writing.

(See Doc. No. 34.)

Ordered, That said reports be laid on the table and printed.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester."

"An act for the relief of Peter Murray."

"An act to provide for taking testimony to be used in certain cases."

"An act for the further relief of orphan and destitute children."

"An act to authorize D. B. Carpenter and others, to build a draw bridge over James creek."

"An act to amend an act passed March 10, 1834, entitled 'An act to incorporate the fire department of the city of Hudson.'"

"An act to authorize Henry Billinghamurst and William C. Rowley to apply to the surrogate of Monroe county for leave to sell all the real estate of S. Marvin Hughes, deceased."

"An act relative to the attendance of petit jurors at County Courts and Courts of Sessions."

"An act constituting the village of Monticello, in the county of Sullivan, a separate road district, and to extend and enlarge the powers of the officers of said village."

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the petition of citizens of Cherry Valley, for an amendment of the charter of said village, reported by bill entitled "An act to amend and consolidate the several acts in relation to the village of Cherry Valley," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fiero, from the committee on the militia, to which was referred the Assembly bill entitled "An act to amend and continue an act to amend an act passed April 15, 1857, entitled 'An act to

provide for the appointment of commissioners for the adjustment and payment of certain claims for the services of the militia of this State, in the war of 1812,' passed April 8, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Fiero, from the committee on the militia, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Troy, to purchase and convey to the State of New York a site for a regimental armory," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was recommitted the bill entitled "An act authorizing the Comptroller of this State to hold the Tonawanda Indian Reservation, in trust for the Tonawanda band of Indians," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the petition of the faculty of Genesee college, for aid to that institution, reported in writing, in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioners be denied; which report was agreed to.

(See Doc. No. .) .

Mr. Abell, from the committee on railroads, to which was referred the bill entitled "An act to regulate and reduce the fare on the Buffalo and Erie railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to constitute the village of North Watertown, in the county of Jefferson, a separate road district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Inspector of State Prisons, reported in favor of the adoption of the following resolution:

Resolved, That there be printed for the use of the Senate 2,000 extra copies of the annual report of the Inspectors of State Prisons.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Superintendent of Public Instruction, reported in favor of the adoption of the following resolution:

Resolved, That there be printed for the use of the Senate 3,000

extra copies of the annual report of the Superintendent of Public Instruction.

Mr. Spinola moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Canal Commissioners, reported in favor of the adoption of the following resolution :

Resolved, That there be printed for the use of the Senate 3,000 extra copies of the annual report of the Canal Commissioners.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Ferry presented the 17th annual report of the managers of the State Lunatic Asylum, which was laid on the table and ordered printed.

(*See Doc. No. 38.*)

The President presented a communication from B. P. Johnson, Esq., Secretary of the New York State Agricultural Society, inviting the members of the Senate to attend the annual meeting of the society, to be held in the Assembly chamber, on Wednesday the 8th instant, at 12 o'clock.

On motion of Mr. Ketcham, said invitation was accepted.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills :

"An act to appropriate the proceeds of the State tax for the support of schools," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act authorizing the commissioners of highways of the town of North Hempstead, in Queens county, to regulate the highways in the eleventh road district in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act in relation to the fees of the county treasurer in the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to regulate the compensation of the crier of the courts of the county of Oneida," which was read the first time, and by unanimous consent, was also read the second time.

By unanimous consent, Mr. Ferry moved that said bill be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members present voting in favor thereof.

"An act to extend York street, in the city of Brooklyn, from James street to Fulton street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to erect a new county from the third Assembly district of Steuben county, to be called 'Canisteo,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

On motion of Mr. P. P. Murphy, and by unanimous consent, the Assembly bill entitled "An act authorizing the trustees of the village of Albion, Orleans county, to raise money by tax for certain purposes," was ordered to a third reading, two-thirds of all the members present, voting in favor thereof.

Mr. Colvin gave notice that he would, at an early day, ask leave to introduce a bill to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and also to annex a part of the city of Albany to the town of Guilderland, in said county.

Mr. Ferry gave notice that he would, at an early day, ask leave to introduce a bill to amend the act entitled "An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane, passed April 7, 1842."

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Catskill and Mountain Turnpike company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act for the relief of the Ulster and Delaware plankroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to provide for a State board of claims, and to prescribe the powers and duties thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act for the relief of Matthew M. Roberts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act concerning the commissioners of emigration and the Marine Hospital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to provide for the codification and amendment of the laws relating to pauperism and bastardy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to protect the purchasers of fertilizers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The bill entitled "An act to amend an act passed March 10, 1834, entitled 'An act to incorporate the fire department of the city of Hudson,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Montgomery	Ramsey
Bell	Grant	Lapham	Munroe	Richmond
Connolly	Hammond	McGraw	P. P. Murphy	Sessions
Ferry	Hillhouse	Manierre	Prosser	Truman
Fiero				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize D. B. Carpenter and others to build a draw bridge over James creek," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Sessions
Bell	Gardiner	Lapham	P. P. Murphy	Spinola
Blood	Goss	Lawrence	Prosser	Truman
Colvin	Grant	McGraw	Ramsey	Warner
Connolly	Hammond	Manierre	Richmond	Williams
Ferry	Hillhouse	Montgomery	Robertson	

29

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to the attendance of petit jurors at County Courts and Courts of Sessions," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Montgomery	Richmond
Bell	Gardiner	Ketcham	Munroe	Robertson
Blood	Goss	Lawrence	P. P. Murphy	Sessions

Colvin Connolly	Grant Hammond	McGraw Manierre	Prosser Ramsey	Warner	24
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FOR THE NEGATIVE.

Spinola	Truman	2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize Henry Billingshurst and William C. Rowley to apply to the surrogate of Monroe county for leave to sell all the real estate of S. Marvin Hughes, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Montgomery	Robertson	
Bell	Fiero	Ketcham	Munroe	Sessions	
Blood	Gardiner	Lawrence	P. P. Murphy	Warner	
Colvin	Goss	McGraw	Ramsey	Williams	
Connolly	Grant	Manierre	Richmond		24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 12 o'clock having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the annual message of His Excellency the Governor.

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported progress and asked and obtained leave to sit again.

Mr. Goss moved to make the Governor's message the special order for Thursday next, at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, informing that they had concurred in the passage of the bill entitled "An act to amend an act incorporating 'The Dutchess County Mutual Insurance company,' passed April 12 1836, and extended for twenty years by an act passed April 9, 1855," with the following amendments:

Strike out lines one and two, of section 1, engrossed bill, and insert in lieu thereof the following: "§ 1. Section six of the act entitled 'An act to incorporate the Dutchess County Mutual Insurance company, passed April 12, 1836,' is hereby amended so as to read as follows:

Line 12, same section, strike out the word "looses," and insert in lieu thereof the word "losses."

Mr. Ketcham moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Munroe	Richmond	
Colvin	Grant	Lawrence	P. P. Murphy	Robertson	

Ferry
Fiero
Gardiner

Hammond
Hillhouse
Ketcham

McGraw
Montgomery

Prosser
Ramsey

Warner
Williams

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received and read, informing that they had concurred in the passage of the bill entitled "An act to authorize John Nostrant to establish and maintain a ferry across the Cayuga lake at Cayuga Bridge," with the following amendments:

In section 1, at the end thereof, strike out the words "July next," and insert in lieu thereof the words "February, 1861."

In section 2, lines two and three, engrossed bill, strike out the words "July next," and insert in lieu thereof the words "February, 1861."

In section 3, line six, engrossed bill, after the word "or," insert the words "head of," and after the word "cents," last occurring in same section, insert the words "for every score of sheep or hogs, fifty cents,"

In section 5, line six, engrossed bill, strike out the word "herin," and insert in lieu thereof the word "herein."

Mr. Williams moved that the Senate concur in the amendments of the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell
Blood
Colvin
Ferry
Fiero

Gardiner
Goss
Grant
Hammond
Hillhouse

Ketcham
Lapham
Lawrence
McGraw
Manierre

Montgomery
Munroe
P. P. Murphy
Prosser
Ramsey

Richmond
Robertson
Spinola
Warner
Williams

25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received and read, informing that they had concurred in the passage of the bill entitled "An act to amend chapter 261, entitled 'An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes,' passed April 4, 1849," with the following amendments:

In section 1, line five, engrossed bill, after the word "day," first occurring; insert the words "the 22d day of February." In same section, line 8, strike out the word "and," and insert the word "or" in lieu thereof.

In section 2, line 2, strike out the word "and;" line 3, same section, after the word "January," insert the words "and 22d day of February."

Insert as section 3, the following:

"§ 3. All promissory notes, checks and drafts falling due on Sunday, or on any or either of the holidays named in the preceding sections, shall be payable the day succeeding such Sunday or holidays respectively."

Amend the title, by striking out the words "chapter 261," and inserting in lieu thereof the words "An act."

Mr. Ferry moved that said bill and amendments, be referred to the committee on banks.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act in relation to the jail of Allegany county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The bill entitled "An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	Munroe	Robertson
Blood	Goss	Lawrence	Prosser	Spinola
Colvin	Hillhouse	Manierre	Ramsey	Warner
Ferry	Ketcham	Montgomery	Richmond	Williams
Fiero				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Peter Murray," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	Prosser	Robertson
Blood	Goss	Lapham	Ramsey	Spinola
Colvin	Hillhouse	Montgomery	Richmond	

14

FOR THE NEGATIVE.

Williams

1

Mr. Gardiner moved to reconsider the vote on said bill, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to provide for taking testimony to be used in certain cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Montgomery	Ramsey
Blood	Grant	Lapham	Munroe	Richmond

Colvin
Fiero
Gardiner

Hammond
Hillhouse

McGraw
Manierre

P. P. Murphy
Prosser

Robertson
Williams

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the agent and warden of the State Prison at Sing Sing, to purchase certain land," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell
Blood
Colvin
Ferry
Fiero

Gardiner
Goss
Hammond
Hillhouse
Ketcham

Lapham
McGraw
Manierre
Montgomery

Munroe
P. P. Murphy
Prosser
Ramsey

Richmond
Robertson
Truman
Warner

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Gardiner moved to take from the table the motion to reconsider the vote on the bill entitled "An act for the relief of Peter Murray."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell
Blood
Colvin
Ferry
Gardiner

Goss
Hammond
Hillhouse
Ketcham
Lapham

McGraw
Manierre
Montgomery
Munroe

Prosser
Ramsey
Richmond
Robertson

Spinola
Truman
Warner
Williams

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. P. P. Murphy, and by unanimous consent, the Assembly bill entitled "An act authorizing the trustees of the village of Albion, Orleans county, to raise money by tax for certain purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell
Blood

Gardiner
Goss

Lapham
McGraw

P. P. Murphy
Prosser

Spinola
Truman

Colvin	Grant	Manierre	Ramsey	Warner	
Ferry	Hillhouse	Montgomery	Richmond	Williams	
Fiero	Ketcham	Munroe	Robertson		24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Manierre moved that the bill entitled "An act in relation to ferries between New York and Brooklyn," be recommitted to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Ferry offered the following resolution :

Resolved, That there be printed for the use of the managers 3,000 extra copies of the annual report of the managers of the State Lunatic Asylum; two thousand copies on common paper, and one thousand on fine paper, and one thousand extra copies for the use of the Legislature.

Ordered, That said resolution be referred to the committee on public printing.

On motion of Mr. Fiero,

Resolved, That the commissioners of excise, in the city and county of New York, be required to report to the Senate without delay, the amount of moneys by them received during the year of 1859, and what disposition has been made with the funds so collected for licenses.

On motion of Mr. Ramsey,

Resolved, That the commissioners of emigration be, and they are hereby requested to report to the Senate, at their earliest convenience, the estimated amount of loss, damage and expense which the State has sustained, directly and indirectly, growing out of the destruction of Quarantine property on Staten Island at the hands of incendiary mobs.

Mr. Munroe offered the following resolution :

Resolved, That 2,000 extra copies of the report of the trustees of the New York State Agricultural College, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act authorizing Eliza D. Boreel and others, infant children, to hold and convey real estate."

"An act in regard to divorces dissolving the marriage contract."

"An act to provide the means for the completion of the canals of

this State, and fully supply them with water, and for other purposes.”

After some time spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported that they had gone through with the first named bill and substituted therefor the Assembly bill entitled “An act for the relief of the infant children of Sarah A. Boreel,” and recommend the passage of the same, which report was agreed to, and said bill ordered to a third reading.

Mr. Montgomery, from the same committee, reported progress on the second named bills, and asked and obtained leave to sit again.

Mr. Montgomery, from the same committee, reported that they had gone through with the last named bill, made sundry amendments thereto, and amended the title so as to read “An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for the extension of the Chenango canal, and for other purposes,” and as amended, recommend its passage.

Mr. Sessions offered the following resolution :

Resolved, That the canal appropriation bill be recommitted to the canal committee, with instructions to strike out the amount for the Chenango canal extension, and all in the bill ordering the construction of the same, being in the words following, to wit :

Section 1. Add “one twentieth.”

§ 2. The Canal Commissioners shall without delay extend the Chenango canal from its present termination, at or near the village of Binghamton, down the Susquehanna Valley by the most advantageous route to the State line near Athens, Pennsylvania, in such manner as to connect the same with the North Branch canal of Pennsylvania. Said extension shall be let by contract, at the lowest price, with adequate security for its performance, public notice being given of the lettings according to the provisions of law. Said extension shall be of the same width and depth as the completed portion of the Chenango canal, and the plan of mechanical structures and general character of the work shall be the same as were adopted in the construction of the Chenango canal, except so far as improvement in permanency or otherwise may be obtained without increasing the expense, or saving be effected in the expense without interfering with the usefulness and permanency of the work.

To the construction of the extension of the Chenango canal, one hundred forty-one thousand one hundred and twenty-nine dollars, one-half thereof from the tax of each of said years.

In section 7, strike out the words “or construction,” “or extension thereof.”

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell
Fiero
Hillhouse

Ketcham
Lapham
Montgomery

Munroe
Prosser

Sessions
Spinola

Warner
Williams

FOR THE NEGATIVE.

Colvin	Goss	Lawrence	P. P. Murphy	Robertson
Connolly	Grant	McGraw	Ramsey	Rotch
Ferry	Hammond	Manierre	Richmond	Truman
Gardiner				

16

Mr. Warner moved to recommit said bill, with instructions to strike out the amendment made in committee of the whole, relating to new lock gates on the Erie, Oswego, and Cayuga and Seneca canals, being in the words following, to wit:

"§ 8. The funds appropriated by this act to the Erie, the Oswego and the Cayuga and Seneca canals, respectively, shall in the first instance to such extent as may be necessary and indispensable, be used and applied to pay for work done and materials furnished to accomplish the object specified in sections four and five of this act, and such further sums as may be necessary on each of the said canals shall be next set apart and applied to constructing new lock gates for one tier of locks between Albany and Buffalo on the Erie canal, and upon the Oswego and the Cayuga and Seneca canals, and to the payment of the necessary expenses of putting in said gates into said locks, in such manner as to give the greatest length of chamber practicable within the present side walls, so as to admit the passage of boats upon said canals, about one hundred and forty feet in length, but no such modification in the locks shall be made or contracted to be made until the first day of June, 1860, nor until an opportunity has been afforded to fully test the practicability and efficiency for thirty days, of one of the locks now being extended as aforesaid at the village of Macedon in Wayne county; when if it shall appear that such manner of extension is practicable, the work shall be done without unnecessary delay, to be completed on the opening of navigation on said canals in the spring of 1861, provided the means herein set apart shall be sufficient to pay for the same, including the expenses necessary to make such alteration in one tier of locks at Lockport, as shall make those locks conform in length of chamber to the other locks to be lengthened as aforesaid, and provided also that the increased capacity of the locks thus attainable, shall be as much as one third. The Canal Board shall have power to select the best style of gates in their discretion, or to test other gates as in their judgment embraced merit and economy.

§ 9. This act shall take effect immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

FOR THE AFFIRMATIVE.

Ferry	Lawrence	Montgomery	Richmond	Truman
Grant	McGraw	Munroe	Robertson	Warner
Hillhouse	Manierre	Ramsey	Rotch	Williams
Ketcham				

16

FOR THE NEGATIVE.

Colvin	Gardiner	Hammond	P. P. Murphy	Sessions
Connolly	Goss	Lawrence	Prosser	Spinola
Fiero				

11

By unanimous consent, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act to extend the time of payment of

certain assessments in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to incorporate the Saint Stephen's College," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

On motion of Mr. Connolly, the Senate adjourned.

WEDNESDAY, FEBRUARY 8, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dickson.

The journal of yesterday was read and approved.

Messrs. Warner, Robertson, Lawrence, Ramsey, Manierre and Colvin, severally presented memorials from merchants and shippers of the city of New York, against removal of east river steamboat landing, which were read and referred to the committee on commerce and navigation.

Mr. Williams presented a petition of citizens of Cayuga county, for pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of citizens of Wayne county, for a bridge over Great Sodus bay, which was read and referred to the committee on roads and bridges.

Mr. P. P. Murphy presented a petition and resolution of the board of supervisors of Niagara county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of the board of supervisors of Niagara county, for a law to alter the term of service of supervisors; also, for a law requiring county orders to be presented before the first Monday of June in each year; also, for an act requiring parties depositing property with the county treasurer, as trustee, to send an inventory of such property to the clerk of the board of supervisors, which were read and referred to the committee on the internal affairs of towns and counties.

Also, a resolution of the board of supervisors of Niagara county, in relation to public printing, which was read and referred to the committee on public printing.

Mr. Ramsey presented three petitions of citizens of Schenectady, Schoharie and Delaware counties, for aid to Albany and Susquehanna railroad, which was read and laid on the table.

Also, two petitions of citizens of Schoharie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of citizens of Delaware county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Lawrence presented a remonstrance of Nathan Bennett and others, against the passage of any law assessing the damages of burning the Quarantine buildings without trial, which was read and referred to the committees on commerce and navigation and the judiciary.

Mr. Hillhouse presented a petition of citizens of Ontario county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. McGraw presented a petition of citizens of Madison county, for the proposed amendment of the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Chenango county, for aid to the Albany and Susquehanna railroad, which was read and laid on the table.

Mr. Bell presented a petition of citizens of Lewis county, for the proposed amendment of the Constitution in relation to the judiciary, which was read and referred to the committee on the judiciary.

Mr. Rotch presented three petitions of citizens of Otsego county, for aid to the Albany and Susquehanna railroad, which were read and laid on the table.

Also, a petition of inhabitants of same county, for pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Truman presented a petition of citizens of Broome county, for aid to the Albany and Susquehanna railroad, which was read and laid on the table.

Mr. Manierre presented a petition of Croton Aqueduct Board, asking payment for use of Croton water furnished to Sing Sing prison, which was read and referred to the committee on finance.

Also, a memorial of the religious society of Friends, for abolition of capital punishment, which was read and referred to the committee on the judiciary.

Mr. Grant presented a petition of inhabitants of Cohecton, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Colvin presented a petition of land-owners of Albany county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Also, a petition of tax payers of Cohoes in favor of amending the water law of said village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Williams, from the committee on banks, to which was referred the Assembly bill entitled "An act to authorize the National Bank of Albany to reduce the capital stock," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on State Prisons, to which was referred the Assembly bill entitled "An act for the appointment of commissioners to examine and report on the claim of John Gihon," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the jail of Allegany county," reported in favor of the passage of the same, with amendments.

On motion of Mr. Goss, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lawrence	P. P. Murphy	Sessions
Bell	Gardiner	McGraw	Richmond	Spinola
Blood	Goss	Manierre	Robertson	Warner
Colvin	Hammond	Montgomery	Rotch	Williams
Connolly	Hillhouse	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

On motion of Mr. Fiero, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to amend and continue 'An act to amend an act passed April 15, 1857, entitled 'An act to provide for the appointment of commissioners for the adjustment and payment of certain claims for the services of the militia of this State, in the war of 1812,' passed April 8, 1859,'" and the same was ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	P. P. Murphy	Rotch
Bell	Fiero	McGraw	Prosser	Sessions
Blood	Gardiner	Manierre	Ramsey	Spinola
Colvin	Goss	Montgomery	Richmond	Truman
Connolly	Hillhouse	Munroe	Robertson	Warner

25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate in the city of New York, the Coast Wrecking company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to incorporate 'The Athenæum Association,' in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate Saint Stephen's College," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bell, from a majority of the committee on canals, to which was referred the Assembly bill entitled "An act to provide for the rebuilding of the locks on the Oneida Lake canal," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was recommitted the Assembly bill entitled "An act to amend the first section of an act passed April 6, 1859, entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such schools,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to appropriate the proceeds of the State tax for the support of schools," reported in favor of the passage of the same.

On motion of Mr. Hillhouse, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lawrence	Ramsey	Sessions
Bell	Hammond	Montgomery	Richmond	Truman
Colvin	Hillhouse	Munroe	Robertson	Warner
Connolly	Kelly	J. M. Murphy	Rotch	Williams
Fiero	Lapham	P. P. Murphy		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to School District number 6, in the town of Lyons, Wayne

county,' passed April 7, 1856," reported in favor of the passage of the same and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the trustees of the New York State Agricultural College, reported in favor of the adoption of the following resolution :

Resolved, That 1,000 extra copies of the report of the trustees of the New York State Agricultural College, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors."

"An act to facilitate the construction of the Albany and Susquehanna railroad."

Mr. Connolly from the minority of the select committee, to which was referred the several petitions asking for a law for the tolling of railroads, reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 35.)

Mr. Manierre gave notice that he would at an early day ask leave to introduce a bill entitled "An act relative to the foreclosure and sale of the New York and Erie railroad."

Mr. Fiero gave notice that he would at an early day ask leave to introduce a bill in relation to the publication of legal notices.

Mr. Rotch gave notice that he would at an early day ask leave to introduce a bill to regulate the sale of poisons.

Mr. Manierre gave notice that he would at an early day ask leave to introduce a bill entitled "An act to incorporate the New York City Library Association."

In pursuance of previous notice, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act relating to the election of superintendents of the poor in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

Mr. Spinola gave notice that he would at an early day ask leave to introduce a bill to incorporate the Long Island Steamboat company."

In pursuance of previous notice, Mr. Ferry asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to facilitate the acquisition of land for a junction gate house, and to connect the same with

the new reservoir and the city mains in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act to create a new ward in the city of Brooklyn, to be called the twentieth ward, and change the boundaries of the fifth and eleventh wards in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The bill entitled "An act constituting the village of Monticello, in the county of Sullivan, a separate road district, and to extend and enlarge the powers of the officers of said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lawrence	Prosser	Rotch
Bell	Grant	Manierre	Ramsey	Truman
Colvin	Hillhouse	Montgomery	Richmond	Warner
Connolly	Kelly	Munroe	Robertson	Williams
Ferry	Ketcham	P. P. Murphy		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to regulate the compensation of the crier of the courts of the county of Oneida," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Prosser	Sessions
Bell	Gardiner	Lawrence	Ramsey	Truman
Colvin	Grant	Montgomery	Richmond	Warner
Connolly	Hammond	Munroe	Robertson	Williams
Ferry	Kelly	P. P. Murphy		

23

Mr. Ferry moved to reconsider the vote on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Ferry, and by unanimous consent, said bill was amended by inserting the word "the" after the word "with" in second line of second section of engrossed bill.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Richmond
Bell	Gardiner	Lapham	J. M. Murphy	Robertson
Colvin	Goss	Lawrence	P. P. Murphy	Rotch
Connolly	Grant	Manierre	Prosser	Sessions
Ferry	Kelly	Montgomery	Ramsey	Truman

25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with an amendment.

Mr. Truman moved to take from the table the motion to reconsider the vote on the bill entitled "An act relating to wills."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Kelly	Munroe	Rotch
Bell	Grant	Ketcham	J. M. Murphy	Sessions
Colvin	Hammond	Lawrence	P. P. Murphy	Truman
Connolly	Hillhouse	Montgomery	Prosser	Warner

21

FOR THE NEGATIVE.

Bleed	Lapham	Manierre	Richmond	Spinola
Fiero	McGraw	Ramsey	Robertson	Williams

11

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the further relief of orphan and destitute children," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	McGraw	P. P. Murphy	Robertson
Bell	Hillhouse	Manierre	Prosser	Rotch
Fiero	Kelly	Montgomery	Ramsey	Sessions
Goss	Ketcham	Munroe	Richmond	Warner

20

FOR THE NEGATIVE.

Gardiner	Grant	Lapham	J. M. Murphy	Spinola
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5

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to facilitate the construction of the Albany and Susquehanna railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	Lapham	J. M. Murphy	Botch
Colvin	Hammond	Lawrence	P. P. Murphy	Spinola
Connolly	Hillhouse	McGraw	Ramsey	Truman
Fiero	Kelly	Manierre	Robertson	Warner

29

FOR THE NEGATIVE.

Abell	Ferry	Grant	Montgomery	Sessions
Bell	Gardiner	Ketcham	Prosser	Williams

10

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Williams moved to reconsider the vote on said bill, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion to reconsider and it was decided in the negative.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

A message from the Assembly was received and read, returning the following entitled bills:

"An act to authorize John Nostrant to establish and maintain a ferry across the Cayuga lake, at Cayuga bridge."

"An act to amend an act incorporating the Dutchess county Mutual Insurance company, passed April 12, 1836, and extended for twenty years, by an act passed April 9, 1855."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received and read, informing that they had concurred in the amendments of the Senate to the bill entitled as follows:

"An act to confer certain powers upon the superintendent of the poor of the county of Genesee."

Ordered, That the Clerk return said bill to the Assembly.

On motion of Mr. Blood, the Senate adjourned.

THURSDAY, FEBRUARY 9, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Fulton.

The journal of yesterday was read and approved.

Mr. Ketcham presented a petition of Isaac Teller and others, of Fishkill, Dutchess county, for aid to the Providence, Hartford and Fishkill railroad, which was read and referred to the committee on finance.

Mr. Munroe presented a petition of inhabitants of the village of Geddes, for a law authorizing the New York Central, and Oswego and Syracuse railroads to erect a station house in said village, and

charge an increased fare, which was read and referred to the committee on railroads.

Mr. Ferry presented a petition of citizens of Oneida county, for substitution of imprisonment for the death penalty, which was read and referred to the committee on the judiciary.

Mr. Montgomery presented a petition of inhabitants of St. Lawrence county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Connolly presented a petition of James Brown and others, trustees of the mortgagees of the New York and Erie Railroad company, for a law in aid of the foreclosure of the mortgages on said road, which was read and referred to the committee on the judiciary.

Mr. Spinola presented two memorials of merchants and shippers of New York, against any removal of East river steamboat landing, which were read and referred to the committee on commerce and navigation.

Also, a petition of Flatbush Hook and Ladder company, for an act of incorporation, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Warner presented a petition of citizens of Oswego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Richmond presented a petition of landowners of Rensselaer county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Prosser presented a petition of citizens of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Grant presented a petition of citizens of Cohecton, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ramsey presented a petition of citizens of Delaware county, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Also, a petition of Peter P. Shafer for relief, which was read and referred to the committee on grievances.

Mr. Hillhouse, from the committee on literature, to which was referred the petition of Theo. Hawley and others, for aid to Madison University, reported in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioners be denied; which report was agreed to.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the village of Penn Yan, in the county of Yates,' passed March 29, 1833,' passed March 23, 1852,'" reported in favor of the passage of the same, and said bill committed the committee of the whole.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act to amend the charter of the Long Island Railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the surviving trustees of the First Wesleyan Methodist church, of Keeseville, to convey certain premises to Jacob Blaisdell, of Keeseville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend chapter 464 of the laws of 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the act entitled 'An act to amend the act entitled 'An act to provide for the incorporation of religious societies, passed April 5, 1813,' and the acts amendatory thereof, passed March 30, 1850,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Blood asked and obtained leave to introduce a bill entitled "An act further to amend the act entitled 'An act to incorporate the Montgomery County Mutual Insurance company,' passed March 30, 1836," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. J. M. Murphy, asked and obtained leave to introduce a bill entitled "An act to authorize the incorporation of juvenile reformatory schools," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to amend article 2nd, of title 3rd, of chapter 6th, of the 2nd part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act relating to the foreclosure and sale of the New York and Erie railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to incorporate the New York City Library Association," which was read the first time, and

by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to annex part of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and also to annex a part of the city of Albany to the town of Guilderland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

The bill entitled "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Hillhouse	Prosser	Sessions
Bell	Goss	Manierre	Ramsey	Spinola
Blood	Hammond	Montgomery	Rotch	Warner
Colvin				

16

FOR THE NEGATIVE.

Fiero	Ketcham	McGraw	J. M. Murphy	Robertson
Grant	Lapham	Munroe	Richmond	

9

Mr. Hammond moved to reconsider the vote on said bill, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved that the Assembly bill entitled "An act for the relief of the infant children of Sarah A. Boreel," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Rotch
Bell	Goss	Lapham	J. M. Murphy	Truman
Blood	Hammond	McGraw	Prosser	Warner
Colvin	Hillhouse	Manierre	Ramsey	Williams
Connolly	Kelly	Montgomery	Richmond	

24

FOR THE NEGATIVE.

Fiero	Grant	Sessions	Spinola
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4

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Hammond moved to take from the table the motion to reconsider the vote on the bill entitled "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Ramsey	Spinola
Bell	Hammond	Manierre	Rotch	Truman
Colvin	Hillhouse	Montgomery	Sessions	Warner
Connolly	Kelly	Prosser		
				18

FOR THE NEGATIVE.

Fiero	McGraw	Munroe	J. M. Murphy	Richmond
Grant				
				6

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Warner moved to reconsider the vote on recommitting the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for other purposes," to the committee on canals, with instructions to strike out the amendment in relation to construction of new lock gates.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to recommit said bill, with instructions, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Kelly	McGraw	Williams
				5

FOR THE NEGATIVE.

Bell	Goss	Manierre	Prosser	Sessions
Colvin	Grant	Montgomery	Ramsey	Spinola
Fiero	Hammond	Munroe	Richmond	Truman
Gardiner	Lapham	J. M. Murphy	Rotch	Warner
				20

Mr. Sessions offered the following resolution:

Resolved, That the bill under consideration be referred back to the committee on canals, with instruction to strike out all the amendments made in committee of the whole.

Pending the question on the adoption of said resolution, the hour of 12 o'clock having arrived,

Mr. Munroe moved to postpone the special order for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Munroe called for a division of the question.

The President put the question whether the Senate would agree to so much of the resolution of Mr. Sessions as applies to changing the appropriation to Champlain canal, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Sessions	
Bell	Goss	Ketcham	Prosser	Warner	
Connolly	Hammond	McGraw	Robertson	Williams	15

FOR THE NEGATIVE.

Blood	Gardiner	Lapham	Ramsey	Spinola	
Colvin	Grant	Manierre	Richmond	Truman	
Ferry	Kelly	Montgomery			13

Mr. Blood moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Ferry	Lapham	Richmond	Spinola	
Colvin	Gardiner	Manierre	Rotch	Truman	
Connolly	Kelly	Ramsey			13

FOR THE NEGATIVE.

Abell	Goss	Hillhouse	Montgomery	Sessions	
Bell	Grant	Ketcham	Munroe	Warner	
Fiero	Hammond	McGraw	Prosser	Williams	15

The President put the question whether the Senate would agree to so much of the resolution as relates to the extension of the Chenango canal, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Hillhouse	Munroe	Robertson	Spinola	
Connolly	Ketcham	Prosser	Sessions	Williams	
Fiero	Montgomery				12

FOR THE NEGATIVE.

Abell	Gardiner	Kelly	J. M. Murphy	Rotch	
Blood	Goss	Lapham	P. P. Murphy	Truman	
Colvin	Grant	McGraw	Ramsey	Warner	
Ferry	Hammond	Manierre	Richmond		19

When the names of Messrs. Warner and Lawrence were called, and they not being in their seats,

Mr. Sessions moved that the Sergeant-at-Arms be sent after those gentlemen.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Warner asked to be excused from voting.

The President put the question whether the Senate would agree to excuse, and it was decided in the negative.

The hour of half-past twelve having arrived,

Mr. Spinola moved to suspend the special order for fifteen minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the annual message of His Excellency the Governor.

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported progress and asked and obtained leave to sit again.

Mr. Colvin moved to make the further consideration of the Governor's message, the special order for Tuesday next at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Lapham, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Roberston moved to take from the table the motion to reconsider the vote agreeing with the report of the committee on the bill entitled "An act to amend the Revised Statutes, in relation to security for costs."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Robertson moved to recommit said bill to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved to reconsider the vote agreeing with the report of the committee on the bill entitled "An act to incorporate the Minstrel Fund Association."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Robertson, said bill was recommitted to the committee on charitable and religious societies.

By unanimous consent, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to provide for the survey and settlement of the boundary line between the States of New York and Connecticut, and for the expenses thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to amend the first section of an act passed April 6, 1859, entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school.'"

"An act to incorporate the Suffolk County Society."

"An act in relation to ferries between New York and Brooklyn."

After some time spent thereon, the President resumed the chair, and Mr. Bell, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Bell, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Julius G. Nordman, a member of company A, New York militia," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman moved that said bill be referred to the next committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Prosser moved that the bill entitled "An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Prosser moved that the bill entitled "An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad," be referred to the next committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members present, not voting in favor thereof.

A message from the Assembly was received and read, informing that they had concurred in the amendment of the Senate to the bill entitled as follows:

"An act to regulate the compensation of the crier of the courts of the county of Oneida."

Ordered, That the Clerk return said bill to the Assembly.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement."

Assembly bill, "An act for the relief of Julius G. Nordman, a member of company A, of the first regiment of New York volunteers."

Assembly bill, "An act authorizing the trustees of the board of education of Union Free School district No. 2, of the town of West Farms, Westchester county, to raise money to purchase site, build school house and furnish the same, in said district."

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Colvin renewed the amendment offered in committee of the whole, to strike out the word "justly" in line nine, printed bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Colvin
Ferry
GardinerGrant
Hillhouse
KetchamLawrence
McGraw
ManierreRamsey
RichmondTruman
Warner

13

FOR THE NEGATIVE.

Bell
Connelly
FieroGoss
LaphamMontgomery
MunroeP. P. Murphy
ProsserSessions
Spinola

11

The President then put the question whether the Senate would agree to the report of the committee of the whole, as amended, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

Mr. Ferry, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

On motion of Mr. Fiero, the Senate adjourned.

FRIDAY, FEBRUARY 10, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Fulton.

The journal of yesterday was read and approved.

Mr. Hillhouse presented a petition of the New York State Agricultural College, for relief, which was read and referred to the committee on finance.

Mr. Abell presented a petition of citizens of the town of Genesee Falls, for the erection of a new county from the towns of Castile, Pike, Eagle, Genesee Falls, Portage, Ossian and West Sparta, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Ketcham presented three petitions of citizens of Dutchess co., for aid to Hartford, Providence and Fishkill railroad, which were read and referred to the committee on finance.

Mr. Robertson presented a petition of inhabitants of Westchester county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Spinola presented a petition of citizens of East Brooklyn, for the charter of a savings bank, which was read and referred to the committee on banks.

Mr. Prosser presented a petition of inhabitants of Erie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Hammond presented two petitions of citizens of Schuyler co., for erection of new town of Montour, which were read and committed to the committee of the whole.

Also, two petitions of inhabitants of Steuben and Chemung counties, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Sessions presented a petition of inhabitants of Chautauqua co., for pro rata freight law, which was read and referred to the select committee on that subject.

Mr. J. M. Murphy presented five petitions of merchants and shippers of New York city, against any removal of East river steamboat landing, which were read and referred to the committee on commerce and navigation.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to extend the time of payment of certain assessments in the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the petition of E. R. Williams and others for a hook and ladder company, in the town of Flatbush, in the county of Kings, reported by bill entitled "An act to organize a hook and ladder company, in the town of Flatbush," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the compensation of the county treasurer of Albany county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Spinola, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to protect the purchasers of fertilizers," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Spinola, from the committee on insurance companies, to which was referred the bill entitled "An act further to amend the act entitled 'An act to incorporate the Montgomery County Mutual Insurance company,' passed March 30, 1836," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the managers of the State Lunatic Asylum, reported in favor of the adoption of the following resolution :

Resolved, That there be printed for the use of the managers, 3,000 extra copies of the annual report of the managers of the State Lunatic Asylum—2,000 copies on common paper, and 1,000 on fine paper.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the petition of citizens of Corning, Steuben county, for a law conferring additional powers on the police justice of that village, reported by bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,

passed December 7, 1847,' and the several acts amendatory thereof, so far as they relate to the village of Corning, in the county of Steuben," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. McGraw, from the committee on claims, to which was referred the petition of Downs & Gould, for relief, reported in writing, and by bill entitled "An act to provide for the appraisal and payment of canal damages to Abel Downs and Seabury S. Gould," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Doc. No. 41.)

Mr. Truman, from the committee on claims, to which was referred the petition of Squire Whipple, for payment for patent iron bridge used on canals, reported in writing, and in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioner be denied.

Mr. Rotch moved to lay the report of the committee on the table, and that the written report be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 39.)

Mr. Prosser, from the committee on canals, to which was recommended the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes," reported that the committee have made the amendment thereto, ordered by the Senate, and as amended, recommend its passage.

The President put the question whether the Senate would agree to the report of the committee, as amended, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to ferries between New York and Brooklyn."

"An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement."

Mr. Lawrence, from the committee on claims, to which was referred the bill entitled "An act for the relief of Noone & Fitzgerald," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the annual report of the Commissioners of Emigration, for the year 1859, which was laid on the table and ordered printed.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill to declare a part of the inlet of the Owasco lake a public highway.

Mr. Lawrence gave notice that he would, at an early day, ask leave to introduce a bill to authorize J. T. Mills and others, to construct a railroad in the city of New York, from Weehawken ferry, foot of 42nd street, North river, to Fulton ferry, at foot of Fulton street, East river, with branches.

Also, a bill to authorize James H. Woods and others, to construct, operate and use a railroad in, through and upon certain streets in the city of New York.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to amend the act entitled "An act to provide for the incorporation of religious societies, passed April 6, 1813."

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act for the preservation of wild deer, birds and fish," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to alter the map or plan of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act to authorize John C. Bard to establish and maintain a ferry from the city of Troy across the Hudson river, to the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Assembly bill entitled "An act to amend the first section of an act passed April 6, 1859, entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Prosser	Sessions
Bell	Goss	Lapham	Richmond	Spinola
Blood	Hammond	McGraw	Robertson	Truman
Colvin	Hillhouse	Manierre	Rotch	Williams
Fiero	Kelly	Montgomery		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act for the relief of Julius G. Nordman, a member of company A, of the first regiment of New York volunteers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	P. P. Murphy	Sessions
Bell	Hillhouse	McGraw	Prosser	Spinola
Blood	Kelly	Manierre	Richmond	Truman
Fiero	Ketcham	Montgomery	Robertson	Warner
Goss	Lapham			

22

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Munroe	Robertson	Spinola
Blood	Kelly	J. M. Murphy	Rotch	Truman
Colvin	Manierre	Prosser	Sessions	Warner
Fiero	Montgomery			

17

FOR THE NEGATIVE.

Abell	Hammond	Ketcham	Lawrence	Williams
Grant	Hillhouse	Lapham	Richmond	

9

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the trustees of the board of education of Union Free School district number two, of the town of West Farms, Westchester county, to raise money to purchase site, build school house and furnish the same in said district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Richmond	Spinola
Blood	Hammond	Lapham	Robertson	Truman
Colvin	Hillhouse	Montgomery	Rotch	Warner
Fiero	Kelly	Prosser	Sessions	Williams
Gardiner				

21

FOR THE NEGATIVE.

Grant

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message from the Assembly was received and read, informing that they had concurred in the amendments of the Senate to the following entitled bill:

"An act in relation to the jail of Allegany county."

Ordered, That the Clerk return said bill to the Assembly.

The bill entitled "An act in relation to ferries between New York and Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Munroe	Spinola
Blood	Grant	Lapham	Richmond	Truman
Colvin	Hammond	Lawrence	Rotch	Warner
Fiero	Kelly	Montgomery	Sessions	Williams
Gardiner				

21

FOR THE NEGATIVE.

Ferry	Hillhouse	Manierre
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3

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

• On motion of Mr. Prosser,

Resolved, That the papers on file relating to the claim of S. A. Dakins, be taken therefrom and referred to the committee on claims; also, the papers in relation to the claim of Lyman B. Smith and others, be so taken and referred.

Mr. Fiero offered the following resolution:

Resolved, That the Clerk of the Senate be directed to procure and deliver to each member of the Senate, clerks, officers and reporters, five copies of the Red Book for 1860.

Mr. Truman moved to amend by adding the words: "provided the price shall not exceed seventy-five cents each."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Truman moved to amend by adding the words: "provided the price shall not exceed ninety cents each."

Mr. Spinola moved to amend the amendment by striking out the word "ninety" and inserting in lieu thereof the word "fifty."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President put the question whether the Senate would agree to said amendment of Mr. Truman, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Ferry	Grant	Ketcham	Richmond
Blood	Fiero	Hammond	Lapham	Sessions
Colvin	Gardiner	Kelly	J. M. Murphy	Truman

15

FOR THE NEGATIVE.

Hillhouse	Manierre	Montgomery	Prosser	Spinola
Williams				

6

Mr. Spinola moved to amend by striking out the words "ninety cents" and inserting the words "fifty-five cents."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McGraw moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President put the question whether the Senate would agree to said motion of Mr. Spinola, and it was decided in the negative.

Mr. Spinola moved to amend by inserting the words "full bound."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Kelly	McGraw	Prosser
Blood	Goss	Ketcham	Munroe	Robertson
Colvin	Grant	Lapham	J. M. Murphy	Sessions
Fiero				

16

FOR THE NEGATIVE.

Hammond	Lawrence	Montgomery	Spinola	Williams
Hillhouse	Manierre	Richmond	Truman	

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad."

"An act in relation to the rates of wharfage, and to regulate piers, bulkheads and slips in the cities of New York and Brooklyn."

Assembly bill, "An act for the preservation of fish in Hemlock lake and the outlet thereto, lying within the counties of Livingston and Ontario."

After some time spent thereon, the President resumed the chair, and Mr. Robertson, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Robertson, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Warner moved that the bill entitled "An act for the protection of the bridge across the Oswego river, at Minetto, Oswego county," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Hammond, and by unanimous consent,

Resolved, That the Comptroller be requested to furnish the Senate with a statement showing the annual amount of gross and net revenue received from the Onondaga Salt Springs, from the year 1797 down to the present time.

Mr. Blood moved that the Assembly bill entitled "An act to

amend an act entitled 'An act for the relief of Thomas F. Woodworth,' passed April 16, 1859," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to amend an act entitled 'An act for the relief of Thomas F. Woodworth,' passed April 16, 1859."

"An act to amend the act entitled 'An act to incorporate the village of Astoria, in Newtown, Queens county.'"

"An act for the protection of the bridge across the Oswego river, at Minetto, Oswego county."

After some time spent thereon, the President resumed the chair, and Mr. Rotch, from said committee, reported in favor of the passage of said bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to provide for the election of an additional justice of the peace in the town of Harmony, in the county of Chautauqua," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Lawrence	P. P. Murphy	Sessions
Blood	Hammond	McGraw	Prosser	Spinola
Colvin	Hillhouse	Manierre	Richmond	Truman
Fiero	Kelly	Montgomery	Rotch	Warner
Goss	Lapham	J. M. Murphy		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Hammond had leave to offer the following resolution:

Resolved, (if the Assembly concur,) That when the Legislature adjourns on Friday the 17th instant, it adjourn until Monday the 27th instant, at 7 P. M.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended in order that said resolution might be immediately considered.

Mr. McGraw moved to amend by striking out the words "Monday the 27th," and inserting the words "Thursday the 23d."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Hammond	Manierre	Prosser	Spinola
Gardiner	Hillhouse	Montgomery	Roteh	Truman
Goss	Kelly	P. P. Murphy	Sessions	Williams
Grant	Lapham			

17

FOR THE NEGATIVE.

McGraw	J. M. Murphy	Warner	
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3

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Truman, the Senate adjourned.

SATURDAY, FEBRUARY 11, 1860. .

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Fulton.

The journal of yesterday was read and approved.

Mr. Munroe presented a protest of inhabitants of Onondaga co., against the proposed amendment to the Constitution, in relation to the judiciary, which was read and laid on the table.

Mr. Robertson presented a petition of merchants, insurers and shippers, for improving the navigation of the East river, which was read and referred to the committee on commerce and navigation.

Mr. Goss presented two petitions of citizens of Rochester, for a bridge over Sodus bay, in Wayne county, which were read and referred to the committee on roads and bridges.

Mr. P. P. Murphy presented a petition of citizens of Niagara co., for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of citizens of Buffalo, for aid to Lying-in-Hospital, which was read and referred to the committee on finance.

Also, a petition of Niagara Falls International Bridge company, for an amendment to their charter, which was read and referred to the committee on roads and bridges.

Also, a petition of trustees and citizens of the village of Middleport, for an act making them a separate road district, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of the State Medical society, for the extension of vaccination, which was read and referred to the committee on medical societies.

Mr. McGraw, from the committee on claims, to which was referred the petition of Lewis Benedict for relief, reported for the consideration of the Senate a bill entitled "An act for the relief of Lewis Benedict, for canal damages," which was read the first time, and by

unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the bill entitled "An act for the relief of William J. Nelson and Ira E. Phillips," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Truman, from the committee on claims, to which was referred the petition of J. S. Kellogg, for canal damages, reported in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioner be denied; which report was agreed to.

Mr. Abell, from the committee on railroads, to which was referred the petition of citizens of the village of Geddes, for an act to provide for the erection of a station house in said village, reported by bill entitled "An act to authorize the New York Central, and Oswego and Syracuse railroad companies to erect a station house in the village of Geddes, and to charge additional fare," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The President presented a memorial from the common council of the city of New York, in relation to tenement houses, which was read and referred to the committee on the incorporation of cities and villages.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act to annex part of the town of Italy, in Yates county, to the town of Naples, in Ontario county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

"An act in relation to district attorneys," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the construction and maintenance of a bridge over the Erie canal, in the village of Cohoes, Albany county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend section 24, of title 3, chapter 13, of part 1 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the act to incorporate the village of Stillwater," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the common council of the city of Buffalo to apply certain moneys to the reconstruction of the iron bridge over Peacock slip, in said city, and to provide for advertising in a German paper," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to facilitate the completion of the Lake Ontario and Hudson River railroad," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

"An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the board of supervisors of the county of Oneida to levy a tax for the purpose of building a poor house in the town of Rome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act to authorize the Second Associate Congregation of Hebron, to dispose of church property,' passed March 29, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act for the protection of the property in trade and the earnings of married women," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act allowing the continued use of copartnership names in certain cases,' passed April 17, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the appointment of inspectors of election and district canvassers, in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message from the Assembly was received and read, informing that they had non-concurred in the passage of the following entitled bill:

"An act to dissolve the 'Antwerp Company,' organized in 1854, for manufacturing lumber at Antwerp, Jefferson county, New York, under the general law of 1848."

A message from the Assembly was received and read, in the words following, to wit:

Whereas, a bill entitled "An act to regulate the compensation of the Crier of the Courts of the county of Oneida," has been returned from the Senate, with a certificate of its passage by that body, signed "N. Lapham, President pro tem;" therefore,

Resolved, That said bill be returned to the Hon. the Senate, with a respectful message informing that body that this House has no official knowledge of the election of a President pro tem.

By order,

WM. RICHARDSON, *Clerk*.

Mr. Hammond moved that a committee of three be appointed to inform the Assembly of the election of Hon. N. Lapham, as President pro tem. of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Ordered, That Messrs. Hammond, Abell and Grant, be said committee.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to incorporate the Suffolk county society."

"An act to provide for the election of an additional justice of the peace in the town of Harmony, in the county of Chautauqua."

"An act for the protection of bridge across the Oswego river, at Minetto, Oswego county."

"An act to amend the act entitled 'An act to incorporate the village of Newtown, in Queens county.'"

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

A message from the Assembly was received and read, informing that they had concurred in the passage of the bill entitled "An act to compel the attendance of witnesses before committees of common councils of cities, and to punish false swearing by such witnesses," with the following amendments :

Strike out all of the first section down to and including the word "testimony" in the third line of engrossed bill, and insert the following in lieu thereof :

"§ 1. Whenever the common council of any city within this State shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction of such common council, or to examine any officer of the city in relation to the discharge of his official duties, or to the receipt or disbursement by him of any moneys, in the discharge of said duties ; or concerning the possession or disposition by him in his official capacity of any property belonging to the city ; or to use, inspect or examine any book, account, voucher or document, in the possession or under his control as such officer, relating to the affairs or interests of such city, the chairman of any such committee."

Line 13, section 2, strike out the word "seved" and insert in lieu thereof the word "served."

Strike out in the third section all after the word "appear" in the third line, and insert the following in lieu thereof :

"Or to produce such books and papers, according to the exigency of such subpoena, or shall refuse to testify before such committee, or to answer any question which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall

be the duty of the said justice or officer to issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the said justice or officer. On the return of the attachment, and the production of the body of the defendant, the said justice or officer shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had and the same penalties may be imposed, and the same punishment inflicted as in case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a circuit or special term of the supreme court."

Insert the following as section four:

"§4. The act entitled 'An act to enable the common council of the city of New York to take testimony in matters referred for investigation or inquiry, passed February 8, 1855,' is hereby repealed."

Change the numbering of section four to section five.

Mr. Colvin moved that the Senate concur in the amendments of the Assembly to said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	P. P. Murphy	Spinola
Bell	Goss	McGraw	Prosser	Truman
Blood	Hammond	Montgomery	Robertson	Warner
Colvin	Hillhouse	Munroe	Sessions	Williams
Ferry				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Hammond, from the committee appointed to wait on the Hon. the Assembly, and inform that body of the election of Hon. N. Lapham, as President pro tem. of the Senate, reported that they had discharged the duty assigned them.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act declaring a part of the inlet of the Owasco lake a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to change the time of the election of overseer of the Aurora road district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to incorporate the Long Island Steamboat company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Assembly bill entitled "An act for the preservation of fish in

Hemlock lake and the outlet thereto, lying within the counties of Livingston and Ontario," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	P. P. Murphy	Spinola	
Bell	Fiero	McGraw	Prosser	Truman	
Blood	Hammond	Montgomery	Robertson	Warner	
Colvin	Hillhouse	Munroe	Sessions	Williams	20

FOR THE NEGATIVE.

Grant

1

Mr. Hammond moved to reconsider the vote on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Hammond, and by unanimous consent, said bill was amended by inserting after the word "Ontario" in section 1, the words "or Crooked lake, in the counties of Steuben and Yates."

Sec. 2. Strike out word "Lake" wherever it occurs in said section, and insert the word "Lakes."

Amend the title by adding after the word "Ontario" the words "and of Crooked lake, lying within the counties of Steuben and Yates."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	P. P. Murphy	Spinola	
Bell	Fiero	McGraw	Prosser	Truman	
Blood	Hammond	Montgomery	Robertson	Warner	
Colvin	Hillhouse	Munroe	Sessions	Williams	20

FOR THE NEGATIVE.

Goss

Grant

2

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act for the protection of the bridge across the Oswego river, at Minetto, Oswego county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	P. P. Murphy	Spinola	
Bell	Fiero	McGraw	Prosser	Truman	
Blood	Hammond	Montgomery	Robertson	Warner	
Colvin	Hillhouse	Munroe	Sessions	Williams	20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act for the relief of Thomas F. Woodworth,' passed April 16, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

•
FOR THE AFFIRMATIVE.

Bell	Fiero	McGraw	Prosser	Spinola
Blood	Goss	Montgomery	Robertson	Truman
Colvin	Hammond	Munroe	Sessions	Warner
Ferry	Lapham	P. P. Murphy		

18

FOR THE NEGATIVE.

Abell	Grant	Hillhouse	Williams
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4

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Bell,

Resolved, That the bill entitled "An act to provide the means for the completion of the canals of this State and fully supply them with water, for the extension of the Chenango canal, and for other purposes," be recommitted to the committee on canals, except the amendment for an appropriation to the Chenango extension, and that it take its old place on the general orders.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the petition of the Utica Steam Woolen Mills corporation, for relief, reported by bill entitled "An act for the relief of the Utica Steam Woolen Mills, a corporation located in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Hammond moved that the Assembly bill entitled "An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, junior," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Spinola offered the following resolution :

Resolved, That there be printed 500 copies of the report of the Superintendent of the Insurance Department, for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Fiero moved to reconsider the vote on the adoption of the following resolution :

Resolved, That the Clerk of the Senate be directed to procure and deliver to each member of the Senate, clerks, officers and reporters, five copies of the Red Book, full bound, for 1860, provided the price shall not exceed ninety cents each.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Fiero moved to strike out the word "full bound."

Mr. Spinola moved to amend by striking out the word "five" and inserting the word "two."

The President then put the question whether the Senate would agree to said motion of Mr. Spinola, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Blood	Hillhouse	Munroe	Prosser	Truman
Colvin	Montgomery	P. P. Murphy	Spinola	Warner
Grant				

11

FOR THE NEGATIVE.

Abell	Fiero	Lapham	Robertson	Williams
Ferry	Hammond	McGraw	Sessions	

9

Mr. Spinola moved to amend by striking out the words "ninety cents."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Fiero moved to lay the resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery moved to take from the table the report of the committee on public printing, in favor of the adoption of the following resolution :

Resolved, That there be printed for the use of the Senate, 3,000 extra copies of the annual report of the Superintendent of Public Instruction.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery moved to amend the resolution by striking out the words "3,000" and inserting "1,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

By unanimous consent, Mr. Truman gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the village of Owego.

Mr. Sessions moved that the bill entitled "An act further to amend the charter of the village of Dunkirk, and to provide for holding town and village elections on the same day, in and for the town of Dunkirk," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to further amend the charter of the village of Dunkirk, and to provide for holding town and village elections on the same day in and for the town of Dunkirk."

"An act for the protection of the property in trade, and the earnings of married women "

Assembly bill, "An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, junior."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Warner, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Truman moved that the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Binghamton Water Works company,' passed April 13, 1857," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to extend the time for the completion of the Buffalo, Bradford and Pittsburgh railroad."

"An act to erect a new town from the town of Catharine, in Schuyler county, to be called Montour."

Assembly bill, "An act to amend an act entitled 'An act to incorporate the Binghamton Water Works company,' passed April 13, 1857 "

After some time spent thereon, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Munroe, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act supplementary to an act entitled 'An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Brooklyn,' passed April 23, 1835," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Spinola asked and obtained leave to

introduce a bill entitled "An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Williams moved that the bill entitled "An act to extend the time for finishing and putting in operation the Sodus Point and Southern railroad," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson moved that the bill entitled "An act to authorize the construction of a bridge across the mouth of Croton river," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to extend the time for finishing and putting in operation the Sodus Point and Southern railroad."

"An act to authorize the construction of a bridge across the mouth of Croton river."

"An act to increase the compensation of assistant matrons of the Sing Sing female prison."

After some time spent thereon, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of the county of Oneida, to levy a tax for the purpose of building a poor house in the town of Rome," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act to provide for the election of an additional justice of the peace in the town of Harmony, in the county of Chautauqua."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Truman, the Senate adjourned.

MONDAY, FEBRUARY 13, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Griffin.

The journal of Saturday, was read and approved.

Mr. Hillhouse presented a petition of citizens of Seneca county, for a pro rata freight law; also a petition and resolution of board of supervisors of Ontario county, on same subject; which were read and referred to the select committee on that subject.

Mr. Goss presented a petition of Thos. Kempshall and other citizens of Rochester, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Munroe presented a petition of citizens of Onondaga county, for pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Truman presented a petition of citizens of Owego, for an amendment of their charter, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Colvin presented a petition of citizens of the village of Cohoes, for an amendment of the water act, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Bell presented a petition of citizens of Watertown, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend the charter of the Long Island Railroad company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Port Richmond and Bergen Point Ferry company,' passed April 17, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the construction of a bridge across the mouth of the Croton river,"

"An act to compel the attendance of witnesses before committees of common councils of cities, and to punish false swearing by such witnesses."

"An act to extend the time for finishing and putting in operation the Sodus Point and Southern railroad."

The President presented the annual report of the Canal Appraisers for 1859, which was laid on the table and ordered printed.

(See Doc. No. 44.)

Also, report of Excise Commissioners of the city of New York, in reply to resolution of Senate, in relation to amount of money received

by them during the year 1859, which was laid on the table and ordered printed.

(See Doc. No. 42.)

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following concurrent resolution in relation to amendment of the Constitution :

Whereas, at the last session of the Legislature the following amendment to the Constitution was proposed, viz :

That section 1, of article 2, of the Constitution of this State, be amended by striking out the following words: "But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election, shall have been seized and possessed of a freehold estate, of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid."

And whereas, the said proposed amendment was then agreed to by a majority of the members elected to each of the two houses, and entered on the journals, with the ayes and noes taken thereon, and referred to the Legislature to be chosen at the next general election of senators, then ensuing: *And whereas*, the said proposed amendment has been duly published for three months previous to making such choice, in pursuance of the provisions of the first section of the thirteenth article of the Constitution.

Resolved, (if the Senate concur,) That the Assembly do agree to the proposed amendment.

Ordered, That said resolution be laid on the table.

Mr. Colvin gave notice that he would, at an early day, ask leave to introduce a bill to amend an act in relation to the justices' court in the city of Albany.

Also, a bill to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs, passed April 12, 1859.

In pursuance of previous notice, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Onondaga County Savings bank, in the city of Syracuse,' passed April 10, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes in relation to the Attorney General's office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Grant asked and obtained leave to introduce a bill entitled "An act to amend section 65 of an act passed April 13, 1855, in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for

unpaid taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The order of third reading of bills having been announced, Mr. Truman moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. P. P. Murphy offered the following resolution:

Resolved, (if the Hon. Assembly consent thereto,) That when the Senate adjourns on Friday, February 17th, it will adjourn to Thursday 23d February, 7 o'clock P. M.

On motion of Mr. P. P. Murphy, and by unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

Mr. Colvin moved to lay the resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell Colvin	Lapham Montgomery	P. P. Murphy	Robertson	Sessions	7
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FOR THE NEGATIVE.

Bell Ferry Grant	Hammond Hillhouse	Prosser Richmond	Spinola Truman	Warner Williams	11
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Mr. P. P. Murphy offered the following resolution:

Resolved, (if the Assembly consent thereto,) That when the Senate adjourns on Friday the 17th instant, it will adjourn until Friday the 24th instant, at 7 P. M.

Mr. Hammond moved to amend by striking out "Friday 24th" and inserting "Monday 27th."

The President put the question whether the Senate would agree to said amendment of Mr. Hammond, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell Goss Grant	Hammond Hillhouse Montgomery	Munroe P. P. Murphy	Robertson Spinola	Truman Williams	12
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FOR THE NEGATIVE.

Bell Colvin	Ferry Fiero	Lapham Prosser	Richmond Sessions	Warner	9
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The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell Goss Grant	Hammond Hillhouse Montgomery	Munroe P. P. Murphy	Robertson Spinola	Truman Williams	12
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FOR THE NEGATIVE.

Bell Blaro	Ferry Fiero	Lapham Prosser	Richmond Sessions	Warner	9
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On motion of Mr. P. P. Murphy, and by unanimous consent, the rule was suspended, and said resolution ordered transmitted to the Assembly immediately.

Mr. Sessions moved to take from the table the order of business of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to extend the time for finishing and putting in operation the Sodus Point and Southern railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Richmond	Truman
Bell	Grant	Munroe	Robertson	Warner
Ferry	Hammond	P. P. Murphy	Sessions	Williams
Fiero	Hillhouse	Prosser	Spinola	19

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to extend the time for the completion of the Buffalo, Bradford and Pittsburgh railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	P. P. Murphy	Sessions
Bell	Goss	Lapham	Prosser	Truman
Colvin	Grant	Montgomery	Richmond	Warner
Ferry	Hammond	Munroe	Robertson	Williams
				20

FOR THE NEGATIVE.

Spinola	1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to further amend the charter of the village of Dunkirk, and to provide for holding town and village elections on the same day in and for the town of Dunkirk," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Prosser	Spinola
Bell	Grant	Montgomery	Richmond	Truman
Colvin	Hammond	Munroe	Robertson	Warner
Ferry	Hillhouse	P. P. Murphy	Sessions	Williams
Fiero				21

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill ordered transmitted to the Assembly immediately.

The bill entitled "An act to authorize the construction of a bridge across the mouth of the Croton river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Prosser	Spohna	
Bell	Goss	Montgomery	Richmond	Truman	
Colvin	Grant	Munroe	Robertson	Warner	
Ferry	Hammond	P. P. Murphy	Sessions	Williams	20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the manufacture of salt.

Mr. Truman moved that the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Binghamton Water Works company,' passed April 13, 1857," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to authorize a part of the records and filed deeds of the counties of Oneida and Herkimer, to be transcribed and deposited in the clerk's office of the county of Jefferson."

Assembly bill, "An act to amend an act entitled 'An act to incorporate the Binghamton Water Works company,' passed April 13, 1857."

"An act to amend an act entitled 'An act to amend the charter of the Agricultural Insurance company, and to authorize that company to change its place of business.'"

After some time spent thereon, the President resumed the chair, and Mr. Hillhouse, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Hillhouse, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ferry moved that the Assembly bill entitled "An act to authorize the board of supervisors of the county of Oneida to levy a

tax for the purpose of building a poor house in the town of Rome," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to authorize the board of supervisors of the county of Oneida to levy a tax for the purpose of building a poor house in the town of Rome."

"An act to increase the compensation of assistant matrons of the Sing Sing female prison."

"An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath,' passed June 30, 1851.'"

After some time spent thereon, the President resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Goss, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

A message was received and read from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, February 13, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

Feb. 9. "An act to amend and continue an act to amend an act passed April 15, 1857, entitled 'An act to provide for the appointment of Commissioners for the adjustment and payment of certain claims for the services of the militia of this State, in the war of 1812,' passed April 8, 1859."

11. "An act for the relief of Julius G. Nordman, a member of company A, of the first regiment of New York volunteers."

11. "An act in relation to the cutting of ice on the Hudson river"

11. "An act in relation to the jail of Allegany county."

11. "An act to confer certain powers upon the superintendent of the poor of the county of Genesee."

11. "An act to amend an act entitled 'An act for the construction of a workhouse in the county of Monroe,' passed May 27, 1853."

11. "An act authorizing the trustees of the board of education of Union free school district No. 2, of the town of West Farms, Westchester county, to raise money to purchase site, build school house and furnish the same, in said district."

Feb. 11. "An act authorizing the trustees of the village of Albion, Orleans county, to raise money by tax for certain purposes."

11. "An act for the relief of the infant children of Sarah A. Boreel."

11. "An act to authorize the Agent and Warden of the State prison at Sing Sing to purchase certain land."

11. "An act to amend the charter of the village of Ogdensburgh."

11. "An act to provide for the election of an additional justice of the peace in the town of Harmony, in the county of Chautauqua."

11. "An act to authorize John Nostrant to establish and maintain a ferry across the Cayuga lake, at Cayuga bridge."

11. "An act to amend an act incorporating the Dutchess county Mutual insurance company, passed April 12, 1836, and extended for twenty years by an act passed April 9, 1855."

11. "An act to appropriate the proceeds of the State tax for the support of schools." E. D. MORGAN.

By unanimous consent, Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Long Island Steamboat company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Hammond	Montgomery	Truman	Williams	8
Goss	Hillhouse	P. P. Murphy			

FOR THE NEGATIVE.

Fiero	Lapham	Prosser	Sessions	Warner	9
Grant	Munroe	Richmond	Spinola		

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act in relation to draining certain lands in the town of Cicero, in the county of Onondaga,' passed April 16, 1858."

"An act to authorize the board of supervisors of the county of Westchester to purchase the Rapelyea or Pelham bridge."

"An act to incorporate 'The Homœopathic Medical College of the State of New York, in New York city.'"

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Prosser, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Fiero moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and the vote was as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Hillhouse	P. P. Murphy	Sessions	
Fiero	Hammond	Lapham	Prosser		9

FOR THE NEGATIVE.

Ferry	Montgomery	Richmond	Spinola	Warner	
Grant	Munroe	Robertson	Truman		9

The President declared the motion carried, and the Senate adjourned.

TUESDAY, FEBRUARY 14, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Griffin.

The journal of yesterday was read and approved.

Mr. Abell presented a petition of citizens of Allegany county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Bell presented a petition of citizens of Jefferson county, in favor of tolling railroads, which was read and committed to the committee of the whole.

Mr. Fiero presented a petition of citizens of Ulster county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Goss presented a memorial of citizens of the interior of the State, in relation to a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Truman presented a petition of citizens of Tioga county, in favor of tolling railroads, which was read and committed to the committee of the whole.

Mr. Manierre presented a petition of American Female Guardian society, for relief, which was read and referred to the committee on finance.

Mr. Robertson presented two petitions of inhabitants of Westchester county, for amendment of the Revised Statutes, in relation to laying out new roads, which were read and referred to the committee on the judiciary.

Mr. Ramsey presented a petition of landowners of Schoharie co., for laws, to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Lawrence presented a petition of citizens of Suffolk county, for a ferry between Riverhead and Sag Harbor and Greenport, in said county, which was read and referred to the committee on commerce and navigation.

Mr. Grant presented a petition of Abraham Hatfield and others, for a division of Free School District No. 2, of the towns of Westchester and West Farms, which was read and referred to the committee on literature.

Mr. Manierre presented a petition of citizens of the town of Southold, Richmond county, against the proposed law authorizing the purchase of real estate for town purposes, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of E. C. Delavan, for a law authorizing the formation of insurance companies for the fidelity of persons holding places of trust, which was read and referred to the committee on insurance companies.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to increase the compensation of assistant matrons of the Sing Sing female prison."

"An act to authorize the board of supervisors of the county of Westchester to purchase the Rapelyea or Pelham bridge.

"An act to incorporate 'The Homœopathic Medical College of the State of New York, in New York city.'"

"An act to amend an act entitled 'An act in relation to draining certain lands in the town of Cicero, in the county of Onondaga,' passed April 16, 1858."

"An act to amend an act entitled 'An act to amend the charter of the Agricultural Insurance company, and to authorize that company to change its place of business.'"

"An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath,' passed June 20, 1851.'"

"An act to authorize a part of the records and filed deeds of the counties of Oneida and Herkimer, to be transcribed and deposited in the clerk's office of the county of Jefferson."

"An act to erect a new town from the town of Catharine, in Schuyler county, to be called Montour."

Mr. Prosser, from the committee on canals, to which was referred the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Luther Wright," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Wm. O. Hubbard," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Ketcham, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act char-

tering the Hope Fire Insurance company, in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Superintendent of the Insurance department, reported in favor of the adoption of the following resolution:

Resolved, That there be printed 500 copies of the report of the Superintendent of the Insurance Department, for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Fiero, from the committee on the militia, to which was referred the bill entitled "An act for the appointment of a commissioner to erect a tomb for the remains of the American prisoners who died on board of the British prison ship, in the Wallabout bay," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 8, title 9, part 3 of the Revised Statutes, concerning proceedings for the recovery of rent and of demised premises," reported the same for the consideration of the Senate, and recommended its passage.

Mr. Hammond moved to recommit said bill to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and the vote was as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	McGraw	Munroe	Warner	
Ferry	Hillhouse	Manierre	P. P. Murphy	Williams	
Fiero	Lapham	Montgomery	Robertson		14

FOR THE NEGATIVE.

Blood	Gardner	Kelly	J. M. Murphy	Spicola	
Colvin	Goss	Ketcham	Prosser	Truman	
Connolly	Grant	Lawrence	Richmond		14

There being a tie, the President decided the motion adopted.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill authorizing the towns of Durham and Greenville, Westerlo and Rensselaerville, to form a mutual insurance company.

By unanimous consent, Mr. Grant asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes, relative to auctions, commonly called mock auctions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Grant asked and obtained leave to introduce a bill entitled "An act in relation to school district number two, of West Farms, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act to enlarge the powers and ju-

risdiction of the Court of Sessions of the county of Rensselaer,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to incorporate the American Museum," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad in the city of New York, from Weehawken ferry, foot of 42d street, North river, to Fulton ferry, at the foot of Fulton street, on the East river, and with branches," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to authorize James H. Wood and his associates, to construct a railroad in New York city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The bill entitled "An act to incorporate the Suffolk County Society," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Lawrence	Richmond
Bell	Fiero	Kelly	Montgomery	Robertson
Blood	Grant	Ketcham	Prosser	Spinola
Connolly	Hammond	Lapham	Ramsey	Warner
				20

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act to incorporate the village of Astoria, in Newtown, Queens county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	J. M. Murphy	Sessions
Bell	Grant	Lawrence	P. P. Murphy	Spinola
Blood	Hillhouse	McGraw	Prosser	Truman
Colvin	Kelly	Montgomery	Ramsey	Warner
Ferry	Ketcham	Munroe	Robertson	Williams
Fiero				

26

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize a part of the records and filed deeds of the counties of Oneida and Herkimer, to be transcribed and deposited in the clerk's office of the county of Jefferson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Montgomery	Robertson
Bell	Goss	Lapham	J. M. Murphy	Sessions
Blood	Grant	Lawrence	Prosser	Truman
Colvin	Hillhouse	McGraw	Ramsey	Warner
Connolly	Kelly	Manierre	Richmond	Williams

25

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the charter of the Agricultural Insurance company, and to authorize that company to change its place of business,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Lapham	Prosser	Sessions
Ferry	Hammond	McGraw	Ramsey	Truman
Fiero	Hillhouse	Montgomery	Richmond	Warner
Gardiner	Kelly	P. P. Murphy	Robertson	Williams
Goss	Ketcham			

22

FOR THE NEGATIVE.

Blood Spinola

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to increase the compensation of assistant matrons of the Sing Sing female prison," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Lapham	Munroe	Richmond
Colvin	Hillhouse	Lawrence	J. M. Murphy	Robertson
Connolly	Kelly	Manierre	Prosser	Sessions
Gardiner	Ketcham	Montgomery	Ramsey	Williams

20

FOR THE NEGATIVE.

Blood
FieroGoss
Grant

McGraw

P. P. Murphy

Truman

7

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hammond moved to recommit the bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath,' passed June 20, 1851,'" to the committee of the whole, to retain its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act in relation to draining certain lands in the town of Cicero, in the county of Onondaga,' passed April 16, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell
Blood
Colvin
Connolly
FieroGardiner
Goss
Kelly
Ketcham
LawrenceMcGraw
Montgomery
Munroe
J. M. MurphyP. P. Murphy
Prosser
Ramsey
RichmondRobertson
Sessions
Warner
Williams

22

FOR THE NEGATIVE.

Truman

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 12 o'clock having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the annual message of His Excellency the Governor.

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported progress, and asked and obtained leave to sit again.

Mr. Lawrence moved that the further consideration of the Governor's message be made the special order for Tuesday, 28th instant, at 12 noon.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Blood presented three several petitions of citizens of Saratoga county, in favor of bill in relation to Lake Ontario and Hudson River railroad ; also, two remonstrances against the same ; which were read and referred to the committee on the judiciary.

On motion of Mr. Truman, the Senate took a recess until 7 P. M.

SEVEN O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

[SENATE JOURNAL.]

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

"An act in regard to divorces dissolving the marriage contract."

"An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad."

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. P. P. Murphy, from the same committee, reported in favor of the passage of the last named bill, with amendments.

Mr. Hammond moved to lay the question of agreeing to the report of the committee of the whole, on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Kelly	J. M. Murphy	Spinola
Colvin	Grant	Lawrence	Ramsey	Truman
Connolly	Hammond	Manierre	Rotch	Williams
Ferry				

16

FOR THE NEGATIVE.

Abell	Ketcham	Montgomery	Prosser	Sessions
Fiero	Lapham	Munroe	Richmond	Warner
Goss	McGraw	P. P. Murphy	Robertson	

14

A message from the Assembly was received and read, informing that they had concurred in the passage of the bill entitled "An act to provide for the election of a police justice in the village of Watertown, and for other purposes," with the following amendments :

Sec. 5, line 6, engrossed bill, after the word "boundaries," insert the words "within the town of Watertown;" also, add at the end of same section the words "within the town of Watertown."

Sec. 6, line 3, after the word village, insert the words "within the town of Watertown."

Sec. 8. Strike out all after the word "expenses" in line 7, down to the word "and" first occurring in line 11.

Sec. 20. After the word "Watertown," in line 5, strike out the words "or the town of Pamela."

Sec. 21. After the word "village" in line 8, insert the words "within the town of Watertown."

Mr. Bell moved that the Senate concur in the amendments of the Assembly to said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	McGraw	P. P. Murphy	Rotch
Bell	Hammond	Manierre	Prosser	Sessions
Colvin	Kelly	Montgomery	Ramsey	Truman
Connolly	Ketcham	Munroe	Richmond	Warner
Ferry	Lapham	J. M. Murphy	Robertson	Williams
Fiero	Lawrence			

27

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received and read, in the words following, to wit:

ALBANY, *February 14*, 1860.

Whereas, the bill entitled "An act to regulate the compensation of the crier of the courts of Oneida county," was received from the Hon. the Senate, with a certificate of its passage signed "N. Lapham, President pro tempore," and returned to that Hon. body with a message informing it that it had failed to inform this House of the election of a President pro tem.; and *whereas*, the Hon. the Senate, in conformity with that suggestion, subsequently performed that duty, and notified this House, through the appropriate committee, of the election of the Hon. Nathan Lapham to that position; therefore,

Resolved, That a respectful message be sent to the Hon. the Senate, requesting that body to return to this House the bill entitled "An act to regulate the compensation of the crier of the courts of Oneida county."

By order,

WM. RICHARDSON, *Clerk*.

Mr. Colvin moved that said bill be returned to the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Bell, the Senate adjourned.

WEDNESDAY, FEBRUARY 15, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Griffin.

The journal of yesterday was read and approved.

Mr. Hillhouse presented a petition of members of the bar of Yates county, in favor of the proposed amendment to the Constitution, in relation to the judiciary, which was read and laid on the table.

Mr. Grant presented a petition of citizens of Cohecton, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Fiero presented four several petitions of citizens of Greene and Albany counties, for a law authorizing them to form mutual insurance companies, which were read and referred to the committee on insurance companies.

Mr. Lapham presented a petition of citizens of Warren county, for improvement of navigation of Champlain canal and Glen's Falls feeder, which was read and committed to the committee of the whole.

Mr. Rotch presented a petition of Ishmael Jones, for change of name, which was read and referred to the committee on the judiciary.

Mr. Montgomery presented a petition of Isaac Hollenback and others, occupants of lands of St. Regis Indians, for relief, which was read and referred to the committee on Indian affairs.

Mr. Sessions presented a remonstrance of citizens of the town of Pomfret, against formation of new town, which was read and referred to the committee on the erection and division of towns and counties.

Also, a remonstrance of the bar of Chautauqua county, against abolishing offices of special judge and surrogate, which was read and referred to the committee on the judiciary.

Also, a remonstrance of members of the bar of Chautauqua co., against proposed amendment of Constitution, in relation to the judiciary, which was read and laid on the table.

Mr. McGraw presented a petition of citizens of Madison county, in favor of enlarged locks on the Oneida Lake canal, which was read and committed to the committee of the whole.

Also, a petition of citizens of Cortland county, in favor of proposed amendment to Constitution, in relation to judiciary, which was read and laid on the table.

Mr. Spinola presented a petition of citizens of Brooklyn, for an amendment to the water act, which was read and committed to the committee of the whole.

Mr. Colvin presented a petition of board of excise of Saratoga and Albany counties, for an amendment of the act for the relief of the New York State Inebriate Asylum, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of inhabitants of Albany county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Goss presented a petition of C. K. Smith, for a law giving plaintiffs full costs in justices' courts, in suits against corporations, which was read and referred to the committee on the judiciary.

Mr. J. M. Murphy presented a memorial of citizens of New York, in favor of guaranteeing to Southern men the right to stay in this State unmolested for a period of nine months with their slaves, which was read and referred to the committee on the judiciary.

Mr. Bell presented a petition of citizens of Watertown, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Sessions presented a remonstrance against a new town from town of Pomfret, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Truman, from the committee on claims, to which was referred the petition of heirs of Asa Baxter for relief, reported by bill entitled "An act for the relief of the heirs of Asa Baxter," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Williams, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Onondaga County Savings bank, in the city of Syracuse,'

passed April 10, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Williams, from the committee on banks, to which was referred the bill entitled "An act to reduce the capital of the Farmers' Loan and Trust company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Williams, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Dime Savings bank, of Jamaica, Long Island," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sessions, from the committee on finance, to which was referred the bill entitled "An act for the relief of Nelson Phillips," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sessions, from the committee on finance, to which was referred the bill entitled "An act to provide for the survey and settlement of the boundary line between the States of New York and Connecticut, and for the expenses thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to facilitate the acquisition of land for a junction gate house, and to connect the same with the new reservoir and the city mains, in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rotch, from a majority of the committee on agriculture, to which was referred the petition of the New York State Agricultural College, for relief, reported by bill entitled "An act in relation to the State Agricultural College," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the election of superintendents of the poor in Kings county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act declaring a part of the inlet of the Owasco lake, a public highway," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend article 2d, of title 3,

chapter 6, of 2d part of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent and of demised premises,'" reported in writing, and in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin moved that said bill retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 45.)

Mr. Colvin, from the committee on the judiciary, to which was referred the petition of bondholders of New York and Erie Railroad company, for a law to authorize the foreclosure and sale of said road, reported by bill entitled "An act relating to the foreclosure and sale of the New York and Erie railroad," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to authorize the formation of town mutual insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act authorizing the appointment of commissioners to assess the amount to be paid to the Croton Aqueduct board of the city of New York, for water taken from the Croton Aqueduct for the use of the State Prison at Sing Sing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Rotch asked and obtained leave to introduce a bill entitled "An act to regulate the sale of poison," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on medical societies.

In pursuance of previous notice, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs in certain cases,' passed April 12, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend article 4, of title 1, of chapter 18, of part one of the Revised Statutes, entitled 'Of the incorporation of companies to construct plankroads, and of companies to construct turnpike roads,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Gardiner gave notice that he would, at an early day, ask leave to introduce a bill in relation to lands under water in front of the city of Brooklyn.

The bill entitled "An act to erect a new town from the town of Catharine, in Schuyler county, to be called Montour," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	Manierre	Rotch
Bell	Fiero	Hillhouse	Munroe	Sessions
Colvin	Gardiner	Ketcham	Prosser	Truman
Connolly	Goss	Lapham	Richmond	Warner
				25

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the board of supervisors of the county of Oneida to levy a tax for the purpose of building a poor house in the town of Rome," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Montgomery	Rotch
Bell	Gardiner	Ketcham	Munroe	Sessions
Colvin	Goss	Lapham	P. P. Murphy	Spinola
Connolly	Hammond	Lawrence	Prosser	Truman
Ferry	Hillhouse	McGraw	Richmond	Warner
				25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to incorporate the Homœopathic Medical College of the State of New York, in New York city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Kelly	J. M. Murphy	Rotch
Colvin	Goss	Ketcham	P. P. Murphy	Sessions
Connolly	Hammond	Manierre	Prosser	Truman
Ferry	Hillhouse	Montgomery	Richmond	Warner

20

FOR THE NEGATIVE.

Spinola Williams

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Binghamton Water Works company,' passed April 13, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	P. P. Murphy	Rotch
Colvin	Grant	Montgomery	Prosser	Sessions
Connolly	Kelly	Munroe	Richmond	Truman
Ferry	Ketcham	J. M. Murphy	Robertson	Warner

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to authorize the board of supervisors of the county of Westchester to purchase the Rapelyea or Pelham bridge," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	J. M. Murphy	Rotch
Bell	Goss	Manierre	P. P. Murphy	Sessions
Colvin	Hillhouse	Montgomery	Richmond	Truman
Connolly	Kelly	Munroe	Robertson	Warner
Ferry	Ketcham			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ketcham, offered the following resolution :

Resolved, That 1,000 extra copies of the report of the judiciary committee on the act entitled "An act to amend the Revised Statutes concerning proceedings for the recovery of rent, and of demised premises," be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

Ordered, That said resolution be referred to the committee on public printing.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

On motion of Mr. Prosser, the Senate adjourned.

THURSDAY, FEBRUARY 16, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mason.

The journal of yesterday was read and approved.

Messrs. Lapham, Prosser and Montgomery, each presented petitions for a law to put an end to slave hunting in the State of New York, which were read and referred to the committee on the judiciary.

Messrs. Warner, Prosser, Rotch, Fiero, Lapham and Grant, each presented petitions in favor of allowing the right of suffrage to women, which were read and referred to the committee on the judiciary.

Mr. Ketcham presented a petition of citizens of Ghent, Columbia county, for aid to Lebanon Spring railroad; also, a petition of citizens of East Fishkill, Dutchess county, for aid to the Hartford, Providence and Fishkill railroad; which were read and referred to the committee on finance.

Mr. McGraw presented a petition of Moses C. Butterfield for a change of the name of Sarah M. Butler to Sarah M. Butterfield, which was read and referred to the committee on the judiciary.

Also, a petition of the bar of Chenango, in favor of the proposed amendment of the Constitution, in relation to the judiciary, which was read and laid on the table.

Mr. Richmond presented a petition of inhabitants of Rensselaer county, in favor of abolishing the office of school commissioner, which was read and referred to the committee on literature.

Mr. Truman presented a petition of directors of the Delaware and Susquehanna plankroad company, for relief, which was read and referred to the committee on roads and bridges.

Messrs. Colvin and Robertson presented seven several petitions of merchants and shippers of New York city, against any removal of East river steamboat landing, which was read and referred to the committee on commerce and navigation.

Mr. Colvin presented a petition of common council and citizens of Albany, for the improvement of navigation on the Hudson river, which was read and referred to the committee on commerce and navigation.

Mr. P. P. Murphy presented a petition of Horace Pierce, Wm. W. Baker, B. A. Low and Roswell Kelsey, for relief; also, a petition of

A. S. Delano, James Sleeper and H. D. Spaulding, for relief; which were read and referred to the committee on claims.

Mr. Grant, from the committee on charitable and religious societies, to which was referred the petition of Cornelius Mahoney, for aid to publish a new system of teaching music to the blind, reported in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioner be denied; which report was agreed to.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Canal Appraisers, reported in favor of the adoption of the following resolution:

Resolved, That there be printed 1,800 extra copies of the annual report of the Canal Appraisers for 1860—800 of the same for the use of the Canal Appraisers, and 1,000 for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the judiciary committee on the bill entitled "An act to amend the Revised Statutes, concerning proceedings for the recovery of rent, and demised premises, reported in favor of the adoption of the following resolution:

Resolved, That 1,000 extra copies of the report of the judiciary committee on the bill entitled "An act to amend the Revised Statutes concerning proceedings for the recovery of rent, and of demised premises," be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 24, of title 3, chapter 13, part one of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to facilitate the completion of the Lake Ontario and Hudson River railroad," reported in favor of the passage of the same.

On motion of Mr. Lapham, and by unanimous consent, the rules were suspended and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Hillhouse	McGraw	Richmond
Connolly	Goss	Kelly	Montgomery	Rotch
Ferry	Grant	Ketcham	Munroe	Sessions
Fiero	Hammond	Lapham	P. F. Murphy	

19

FOR THE NEGATIVE.

Abell	Prosser	Truman	Warner	Williams
Lawrence	Spinola			

7

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act for the preservation of wild deer, birds and fish," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on State prisons, to which was referred the bill entitled "An act referring the claim of Jacob D. Kingsland," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Spinola, from the committee on insurance companies, to which was referred the bill entitled "An act to incorporate the Transit Life Insurance company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill to authorize the construction of a railroad on the 7th avenue and other streets of the city of New York.

In pursuance of previous notice, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act in relation to land under water, in front of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to the planting of oysters within the waters of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act for the relief of the occupants of the lands of the St. Regis Indians, under leases heretofore granted," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

By unanimous consent, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act to amend an act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Fiero offered the following resolution :

Resolved, That the President of the Senate appoint a committee of three, empowered to send for persons and papers, whose duty it shall be to enquire into and investigate the action and proceedings (for the year 1859,) of the commissioners of excise, in and for the city and county of New York.

Mr. Lawrence moved to amend by inserting after the word "New York," the words "and county of Greene."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Manierre	P. P. Murphy	Sessions
Ferry	Hammond	Montgomery	Prosser	Truman
Piero	Lapham	Munroe	Retch	Warner

18

FOR THE NEGATIVE.

Colvin	Gardiner	Kelly	J. M. Murphy	Robertson
Connolly	Grant	Lawrence	Richmond	Spinola

10

Mr. P. P. Murphy presented a communication from the Comptroller, covering a statement of the accounts of the Commissioners of Quarantine, for the years 1857, '58 and '59, which was laid on the table and ordered printed.

(See Doc. No. 46.)

Mr. Hammond moved to take from the table the report of the committee of the whole on the bill entitled "An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Warner renewed the amendment made in committee of the whole, to strike out wherever they occur, the words "Watertown and Rome railroad," and "Oswego and Syracuse railroad."

Mr. Lawrence called for a division of the question.

The President put the question whether the Senate would agree to so much of said motion as relates to "Watertown and Rome railroad," and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Montgomery	Prosser	Sessions
Ferry	Ketcham	Munroe	Richmond	Truman
Piero	Lapham	J. M. Murphy	Robertson	Warner
Goss	McGraw	P. P. Murphy	Retch	

19

FOR THE NEGATIVE.

Abell	Gardiner	Hillhouse	Lawrence	Spinola
Colvin	Grant	Kelly	Manierre	Williams
Connolly				

11

The President put the question whether the Senate would agree to so much of said motion as relates to "Oswego and Syracuse railroad," and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Munroe	Retch
Ferry	Hammond	McGraw	P. P. Murphy	Sessions
Piero	Ketcham	Montgomery	Prosser	Warner

18

FOR THE NEGATIVE.

Abell	Gardiner	Kelly	J. M. Murphy	Truman
Colvin	Grant	Lawrence	Richmond	Williams
Connolly	Hillhouse	Manierre	Spinola	

14

Mr. Sessions renewed the amendment offered in committee of the whole, to strike out the words "Oswego and Syracuse Railroad, and the Watertown and Rome railroad," in the title of said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Sessions
Bell	Hammond	Montgomery	Prosser	Truman
Ferry	Ketcham	Munroe	Richmond	Warner
Fiero	Lapham	J. M. Murphy	Rotch	

19

FOR THE NEGATIVE.

Colvin	Gardiner	Hillhouse	Lawrence	Spinola
Connolly	Grant	Kelly	Manierre	Williams

10

Mr. Spinola renewed the motion offered in committee of the whole, to strike out the enacting clause of the bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Hillhouse	Lawrence	J. M. Murphy
Connolly	Grant	Kelly	Manierre	Spinola

10

FOR THE NEGATIVE.

Abell	Goss	McGraw	Prosser	Sessions
Bell	Hammond	Montgomery	Richmond	Truman
Ferry	Ketcham	Munroe	Robertson	Warner
Fiero	Lapham	P. P. Murphy	Rotch	Williams

20

The President then put the question whether the Senate would agree to the report of the committee of the whole, as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Sessions
Bell	Hammond	Montgomery	Prosser	Truman
Ferry	Ketcham	Munroe	Rotch	Warner
Fiero	Lapham			

17

FOR THE NEGATIVE.

Colvin	Gardiner	Hillhouse	Lawrence	J. M. Murphy
Connolly	Grant	Kelly	Manierre	Spinola
Williams				

11

Ordered, That said bill be engrossed for a third reading.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

Assembly bill, "An act to authorize the trustees of Columbia College, in the city of New York, to take and hold certain real estate."

Assembly bill, "An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, junior."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Lawrence, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Spinola moved that the bill entitled "An act to incorporate the Long Island Steamboat company," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson moved that the bill entitled "An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Fiero moved that the Assembly bill entitled "An act to authorize lateral plank, turnpike or flag-stone roads in Ulster county," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the Long Island Steamboat company."

Assembly bill, "An act to authorize lateral plank, turnpike or flag-stone roads in Ulster county."

"An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn."

After some time spent thereon, the President resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

On motion of Mr. Fiero, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met. •

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to levy and collect tolls on freight passing over the New York Central, and New York and Erie railroad."

"An act to provide the means for the completion of the canals of the State and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

Mr. Ketcham moved that the bill entitled "An act to incorporate Saint Stephen's College," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the Orient Wharf company to increase their capital and to extend said wharf."

"An act in relation to bale hay and hay scales."

"An act to incorporate the St. Stephen's College."

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Prosser, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the Citizens' Savings bank of the city of New York."

"An act to incorporate the New York College of Dental Surgeons."

"An act to amend the sixth section of an act entitled 'An act for the incorporation of associations for improving the breed of horses, passed April 15, 1854,' and also to amend the first section of an act passed April 15, 1857."

After some time spent thereon, the President resumed the chair, and Mr. J. M. Murphy, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

The Assembly returned the concurrent resolution relative to adjournment, in the words following:

Resolved, (if the Assembly concur,) That when the Legislature adjourns on Friday, the 17th instant, it will adjourn until Monday the 27th instant, at 7 o'clock, P. M.

With a message informing that they had concurred in the passage of the same, with the following amendment:

Strike out the words "Monday the 27th instant," and insert in lieu thereof the words "Thursday the 23d instant."

Mr. Hammond moved that the Senate non-concur in the amendment of the Assembly, and ask for a committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Connolly
Ferry
Fiero

Gardiner
Hammond

Manierre
Prosser

Spinola
Truman

Warner
Williams

FOR THE NEGATIVE.

Bell	Hillhouse	Lawrence	Munroe	Richmond	
Goss	Ketcham	McGraw	J. M. Murphy	Rotch	
Grant	Lapham	Montgomery	P. P. Murphy		14

Mr. Goss moved that the Senate concur in the amendment of the Assembly.

Mr. Hammond moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Fiero	Hammond	Truman	Warner	Williams	
Grant	Prosser				7

FOR THE NEGATIVE.

Bell	Hillhouse	McGraw	Munroe	Richmond	
Connolly	Ketcham	Manierre	J. M. Murphy	Rotch	
Gardiner	Lapham	Montgomery	P. P. Murphy	Spinola	
Goss	Lawrence				17

The President then put the question whether the Senate would agree to said motion to concur, and it was decided in the affirmative.

Ordered, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

On motion of Mr. Lapham, the Senate adjourned.

FRIDAY, FEBRUARY 17, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mason.

The journal of yesterday was read and approved.

Mr. Goss presented a petition and resolution of board of supervisors of Monroe county, in relation to unpaid taxes, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Fiero presented a petition of citizens of Greene county, for an amendment of the Constitution so as to prohibit the sale of intoxicating drinks, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Manierre presented a memorial of the mayor and common council of New York, for an alteration of the map or plan of said city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Ferry presented a petition of Pierre Ogilvie Beebe, for culture of American law, which was read and referred to the committee on the judiciary.

Mr. Bell presented a petition of citizens of Washington county, for a personal liberty law, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Erie county, in favor of granting the right of suffrage to women, which was read and committed to the committee of the whole.

Mr. Lapham presented a petition of citizens of Schenectady county, for laws to protect them in their rights of property, which was read and committed to the committee of the whole.

Mr. Richmond presented a petition of citizens of Rensselaer co., for laws to protect them in their rights of property, which was read and committed to the committee of the whole.

Also, a petition of inhabitants of Rensselaer county, in favor of abolishing the office of school commissioner, which was read and referred to the committee on literature.

Mr. Manierre presented a remonstrance of Lucius Hopkins and others, against restrictions upon trade, and against pro rata law, which was read and referred to the select committee on that subject.

Mr. Robertson presented a petition of inhabitants of Westchester county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Lapham presented a petition of citizens of Brooklyn, for a new ward in that city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the Second Associate Congregation of Hebron, to dispose of church property,' passed March 29, 1858," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to incorporate the Long Island Steamboat company."

"An act to authorize the Orient Wharf company to increase their capital and extend said wharf."

"An act in relation to bale hay and hay scales."

"An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn."

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Cohecton Bridge company,' passed April 7, 1817," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which

was referred the bill entitled "An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike Road company,' passed April 14, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the rebuilding of a bridge across Great Sodus bay, in the town of Huron, in the county of Wayne," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the petition of directors of Delaware and Susquehanna Plankroad company, for relief, reported by bill entitled "An act to confirm certain assessments made by the directors of the Delaware and Susquehanna Plankroad company, upon the amount subscribed to the capital thereof, for the payment of the debts against said company," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Josiah Blackwell for relief, reported by bill entitled "An act for the relief of Josiah Blackwell," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Buffalo to apply certain moneys to the reconstruction of the iron bridge over Peacock slip, in said city, and to provide for advertising in a German paper," reported in favor of the passage of the same, and said bill was committed the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for completing the bridge across Esopus creek near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend the charter of the Catskill and Mountain Turnpike company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize repairs on a bridge over the State drain, in the town of Lysander," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the commissioners of highways of the town of North Hempstead, in

Queens county, to regulate the highways in the eleventh road district in said town," reported in favor of the passage of the same and said bill was committed to the committee of the whole.

In pursuance of previous notice, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad in Seventh avenue and other streets of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to railroad corporations,' passed February 13, 1851," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to amend an act passed April 12, 1856, entitled 'An act to amend an act passed February 16, 1821, entitled 'An act establishing a justice court in the city of Albany, and the acts amendatory thereof, and to regulate the fees of justices and jurors in said court, and in certain proceedings,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. P. P. Murphy asked and obtained leave to introduce a bill entitled "An act in relation to the service of papers by sheriffs, and their fees therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act for the relief of Ulster and Delaware Plankroad company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to provide means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Hammond	Manierre	P. P. Murphy	Truman
Ferry	McGraw	J. M. Murphy	Prosser	Warner
Goss				

11

FOR THE NEGATIVE.

Abell	Gardiner	Kelly	Lawrence	Robertson
Bell	Grant	Ketcham	Montgomery	Spinola
Fiero	Hillhouse	Lapham	Munroe	

14

Mr. Truman moved to reconsider the vote on said bill, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the following select committee under the resolution adopted yesterday relative to the excise commissioners of the city of New York, to wit: Messrs. Fiero, Manierre and Grant.

On motion of Mr. Spinola, the Senate adjourned.

THURSDAY, FEBRUARY 23, 1860—7 O'CLOCK P. M.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of Friday, was read and approved.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the protection of the property in trade, and the earnings of married women."

"An act authorizing the election of trustees and other officers of the village of Gloversville."

"An act to amend section 3d of title 15, chapter 8, part 3d of the Revised Statutes, in relation to the publication of legal notices."

After some time spent thereon, the President resumed the chair, and Mr. Robertson, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Robertson, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported that the committee had gone through with the last named bill, struck out the enacting clause, and instructed their chairman to report that fact to the Senate.

Mr. Ramsey moved to lay the report of the committee of the whole on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, junior."

"An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath,' passed June 20, 1851.'"

"An act to incorporate the St. Stephen's College."

After some time spent thereon, the President resumed the chair, and Mr. Fiero, from said committee, reported in favor of the passage of said bills, with amendments, which reports were agreed to, and the two last named bills ordered engrossed for a third reading.

Mr. Colvin moved that the bill entitled "An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hammond moved that the bill entitled "An act for the preservation of wild deer, birds and fish," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend the sixth section of an act entitled 'An act for the incorporation of associations for improving the breed of horses, passed April 15, 1854,' and also to amend the first section of an act passed April 15, 1857."

"An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859."

"An act for the preservation of wild deer, birds and fish."

After some time spent thereon, the President resumed the chair, and Mr. Richmond, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Richmond, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. J. M. Murphy presented a petition of citizens and voters of Herkimer, for the passage of a law which shall guarantee to Southern men the right to remain in this State with negro slaves, which was read and referred to the committee on the judiciary.

On motion of Mr. Ramsey, the Senate adjourned.

FRIDAY, FEBRUARY 24, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Meeker.

The journal of yesterday was read and approved.

Mr. Warner presented two petitions of citizens of Oswego county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Ketcham presented a petition of Charlotte Dudley and others, of Dutchess county, for equal property rights for married women, which was read and referred to the committee on the judiciary.

Mr. Bell presented a petition of citizens of Watertown, for increased duty on salt, which was read and referred to the committee on the manufacture of salt.

Also, a petition of Amelia Ferry and other citizens of New York, in favor of the right of suffrage to women, which was read and referred to the committee on the judiciary.

Mr. Rotch presented two petitions of citizens of Herkimer county, in favor of the right of suffrage to women, which were read and referred to the committee on the judiciary.

Mr. Ferry presented a remonstrance of dentists, against incorporation of College of Dental Surgeons, which was read and committed to the committee of the whole.

Mr. Ramsey presented a petition of citizens of Schoharie county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of citizens of same county, in favor of tolling railroads, which was read and laid on the table.

Also, a petition of citizens of same county, in favor of the proposed amendment of the Constitution in relation to the judiciary, which was read and laid on the table.

Also, a petition of twelve citizens of New York, for right of suffrage to women, which was read and referred to the committee on the judiciary.

Also, a petition of landowners of Schoharie county, for laws to protect them in their rights of property, which was read and committed to the committee of the whole.

Mr. Hammond presented a remonstrance of inhabitants of town of Howard, against any division of Steuben county, which was read and referred to the committee on the erection and division of towns and counties.

Also, a petition of citizens of Steuben county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a remonstrance against division of Steuben county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Richmond presented a petition of inhabitants of Rensselaer

county, for laws to protect them in their rights of property, which was read and committed to the committee of the whole.

Also, a petition of inhabitants of Rensselaer county, for aid to complete the Lebanon Springs railroad, which was read and referred to the committee on finance.

Also, a petition of Lester Phelps and others, for equal rights of women, which was read and referred to the committee on the judiciary.

Mr. Hillhouse presented a petition of citizens of Ontario county, for equal rights of women, which was read and referred to the committee on the judiciary.

Mr. Munroe presented a remonstrance of dentists of Syracuse, against incorporating College of Dental Surgeons, which was read and committed to the committee of the whole.

Also, a remonstrance of citizens of Onondaga co., against proposed amendment to Constitution in relation to judiciary, which was read and laid on the table.

Mr. J. M. Murphy presented a petition of citizens of New York, for an act to create commissioners of pardons, which was read and referred to the committee on the judiciary.

Mr. Lapham presented two petitions of citizens of this State, for equal rights to women, which were read and referred to the committee on the judiciary.

Also, a remonstrance of dockmasters of New York, against passage of wharfage bill, which was read and laid on the table.

Mr. Colvin presented a petition of Wm. P. Paff, for bridge across Erie canal, and appraisal of damages, which was read and referred to the committee on claims.

Also, three petitions of citizens of this State, for equal rights to women, which were read and referred to the committee on the judiciary.

Also, a petition of inhabitants of Albany county, for laws to protect them in their rights of property, which was read and committed to the committee of the whole.

Also, of common council of city of Albany, against modification of law establishing compensation of supervisors of city and county of Albany, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a remonstrance of J. S. Van Rensselaer and R. H. Fonday, against passage of act to relieve Tonawanda Indians from payment of certain taxes, which was read and committed to the committee of the whole.

Mr. Lawrence presented three petitions of merchants and shippers of New York, against any removal of East River steamboat landings, which were read and referred to the committee on commerce and navigation.

Mr. Robertson presented a remonstrance of inhabitants of Westchester county, against pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Grant presented a petition of tax-payers of Sullivan county,

in favor of a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of tax-payers of same county, for imposition of tolls upon railroads, which was read and laid on the table.

Mr. Lapham presented a petition of citizens of Northern New York, for improvement of navigation on Champlain canal and Glen's Falls feeder, which was read and laid on the table.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act enlarging the powers of the courts of Oyer and Terminer, and establishing a board on pardon," reported that the committee have had the same under consideration, made sundry amendments thereto, and have also amended the title so as to read as follows: "An act in relation to the punishment for crimes, and concerning prisoners confined in State Prisons," and in favor of the passage of the same, as amended, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859."

"An act authorizing the election of trustees and other officers of the village of Gloversville."

"An act to amend the sixth section of an act entitled 'An act for the incorporation of associations for improving the breed of horses,' passed April 15, 1854,' and also to amend the first section of an act passed April 15, 1847."

Mr. Robertson, from a majority of the committee on commerce and navigation, to which was recommitted the bill entitled "An act to amend an act entitled 'An act to prevent frauds in the sale of tickets upon railroads, steamboats and steamships,' passed April 15, 1857," reported that the committee have had the same under consideration, made sundry amendments thereto, have also amended the title so as to read as follows: "An act to prevent frauds in the sale of tickets upon steamboats, steamships, and other vessels," and in favor of the passage of the same, as amended, and said bill was committed to the committee of the whole.

The President presented a communication from the Commissioners of Emigration, in relation to the expenses and damage in consequence of the destruction of the Quarantine buildings, which was laid on the table and ordered printed.

(See Doc. No. 46.)

Mr. Warner gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 398 of the laws of 1854, entitled "An act to provide for the enrollment of the militia and the organization of uniform corps, and the discipline of the military forces of this State."

Mr. Ferry gave notice that he would, at an early day, ask leave to introduce a bill to amend the act to incorporate the Savings bank of Utica.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to abolish the alms house department, in the city and county of New York, and to create the department of public charity and correction.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in the town of Catskill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to authorize the Water-vliet Turnpike company to construct a railroad on their road, and to extend the same into and through the village of West Troy, and the city of Albany, to increase their capital stock, and also to alter their corporate name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act in relation to the collection of county taxes in the city of Rochester, in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 16, article 4, section 93 of the Revised Statutes, relative to the opening of highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly bill entitled "An act to authorize lateral plank, turnpike or flag-stone roads in Ulster county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Ramsey	Spinola
Colvin	Grant	Lawrence	Richmond	Truman
Connolly	Hammond	McGraw	Rotch	Warner
Ferry	Hillhouse	Proseer	Sessions	Williams
Fiero	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act to authorize the Orient Wharf company to increase their capital and to extend said wharf," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	McGraw	Richmond	Spinola
Colvin	Grant	Munroe	Robertson	Truman
Connolly	Ketcham	Prosser	Rotch	Warner
Ferry	Lawrence	Ramsey	Sessions	

19

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to bale hay and hay scales," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Robertson	Truman
Connolly	Grant	McGraw	Rotch	Warner
Ferry	Hammond	J. M. Murphy	Sessions	Williams
Gardiner	Hillhouse	Prosser	Spinola	

19

FOR THE NEGATIVE.

Colvin	Lapham	Munroe	Ramsey	Richmond
Fiero	Lawrence			

7

Mr. Colvin moved to reconsider the vote on said bill, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Spinola moved to amend the bill entitled "An act to incorporate the Long Island Steamboat company," by striking out from lines one and two, in section one, the names of "Thomas S. Strong, John Kelly, Carlton Jayne and John F. Nunns," and inserting in lieu thereof the following : "Thomas S. Strong, Thos. J. Ritch, Reuben H. Wilson, Ebenezer Miller, Vincent Davis, Daniel T. Williamson, Wm. C. Powell, Daniel S. Hawkins and Michael Jayne."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Spinola moved further to amend by striking out the word "five" in line 2, section 3, and inserting the word "nine" in lieu thereof.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	Richmond	Spinola
Colvin	Goss	Lapham	Robertson	Truman
Connolly	Grant	Munroe	Rotch	Warner
Ferry	Hammond	J. M. Murphy	Sessions	Williams
Fiero	Hillhouse	Ramsey		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	J. M. Murphy	Robertson
Colvin	Goss	Lawrence	Prosser	Rotch
Connolly	Hammond	McGraw	Ramsey	Spinola
Ferry	Hillhouse			

17

FOR THE NEGATIVE.

Fiero	Grant	Lapham	Sessions	4
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the election of trustees and other officers of the village of Gloversville," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	Ramsey	Spinola
Colvin	Goss	Lawrence	Richmond	Truman
Connolly	Grant	McGraw	Robertson	Warner
Ferry	Hammond	Munroe	Rotch	Williams
Fiero	Hillhouse	Prosser	Sessions	24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Colvin moved to amend the bill entitled "An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859," by striking out the word "fifteen" in line 20, sec. 1, and inserting in lieu thereof the word "twenty."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	Ramsey	Sessions
Colvin	Goss	Lawrence	Richmond	Truman
Connolly	Grant	McGraw	Robertson	Warner
Ferry	Hammond	Munroe	Rotch	Williams
Fiero	Hillhouse	Prosser		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the sixth section of an act entitled 'An act for the incorporation of associations for improving

the breed of horses, passed April 15, 1854,' and also to amend the first section of an act passed April 15, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Hillhouse	Ramsey	Rotch
Connolly	Goss	Ketcham	Richmond	Sessions
Ferry	Grant	Lapham	Robertson	Spinola
Fiero	Hammond	Lawrence		

18

FOR THE NEGATIVE.

Bell	Ramsey	Truman	Warner	Williams
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5

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, junior," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	J. M. Murphy	Robertson
Colvin	Goss	Lawrence	Prosser	Rotch
Connolly	Grant	McGraw	Ramsey	Spinola
Ferry	Hillhouse	Munroe	Richmond	Warner
Fiero	Ketcham			

22

FOR THE NEGATIVE.

Sessions	Truman	Williams
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3

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act to incorporate the St. Stephen's College," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Colvin	Grant	McGraw	Richmond	Truman
Connolly	Ketcham	Munroe	Robertson	Warner
Ferry	Lapham	Prosser	Rotch	Williams
Goss	Lawrence	Ramsey	Sessions	

19

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Goss,

Resolved, That the Clerk be requested to furnish each of the pages of the Senate, with one copy of the Red Book, as has been done at previous sessions, full bound.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the protection of the property in trade, and the earnings of married women."

"An act to consolidate and amend the several acts relating to the village of Catskill."

Assembly bill, "An act to amend an act to provide for building and repairing bridges in the town of Greene, in the county of Chenango, and to defray the expenses thereof by taxation."

After some time spent thereon, the President resumed the chair, and Mr. Ramsey, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Ramsey, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Fiero moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report were agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the Chenango County Savings bank."

"An act to amend and consolidate the several acts relating to the village of Cherry Valley."

"An act to relieve the Tonawanda band of Seneca Indians from certain taxes on the Tonawanda reservation, and to prevent intrusion thereon."

After some time spent thereon, the President resumed the chair, and Mr. Ketcham, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Ketcham, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Rotch moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ketcham, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Colvin moved to recommit said bill to the committee on the judiciary, and that it retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey moved to take from the table the report of the committee of the whole on the bill entitled "An act to amend section

3d of title 15, chapter 8, part 3d of the Revised Statutes, in relation to the publication of legal notices."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey moved that said bill be recommitted to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond moved that the bill entitled "An act relating to unclaimed deposits in savings banks, be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to constitute the village of North Watertown, in the county of Jefferson, a separate road district."

Assembly bill, "An act to authorize the National Bank of Albany to reduce its capital stock."

Assembly bill, "An act to rebuild the locks on the Oneida Lake canal."

"An act to amend section third of title fifteen, chapter eight, part third of the Revised Statutes, in relation to the publication of legal notices."

After some time spent thereon, the President resumed the chair, and Mr. Grant, from said committee, reported in favor of the passage of the three first named bills, without amendment, which reports were agreed to, and the second and third named bills ordered to a third reading.

Mr. Grant, from the same committee, reported in favor of the passage of the last named bill, with amendments, and amended the title so as to read "An act in relation to the publication of legal notices in the counties of Fulton and Hamilton," which report was agreed to, and said bill and the first named bill, were ordered engrossed for a third reading.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the village of Penn Yan, in the county of Yates, passed March 29, 1833,' passed March 23, 1852.'"

"An act to incorporate in the city of New York, the Coast Wrecking company."

Assembly bill, "An act to authorize the common council of the city of Troy to purchase and convey to the State of New York, a site for a regimental armory."

After some time spent thereon, the President resumed the chair, and Mr. Bell, from said committee, reported in favor of the passage

of the two first named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Bell, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to authorize the treasurer of Monroe county to collect certain taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Colvin moved to take from the table the motion to reconsider the vote on the bill entitled "An act in relation to bale hay and hay scales."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Colvin then withdrew the motion to reconsider, and said bill was ordered transmitted to the Assembly for concurrence.

On motion of Mr. Fiero, the Senate adjourned.

SATURDAY, FEBRUARY 25, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Meeker.

The journal of yesterday was read and approved.

Mr. Fiero presented a petition of citizens of Greene county, for the abolition of the office of school commissioner, which was read and referred to the committee on literature.

Mr. Gardiner presented a remonstrance of John J. Studman and others, against passage of the act to extend time of payment of certain assessments in Kings county, which was read and committed to the committee of the whole.

Mr. Lawrence presented a petition of Wm. H. Aspinwall and 700 others, residents of Staten Island, in relation to the ferries plying between that Island and New York city, which was read and referred to the committee on commerce and navigation.

Mr. Ramsey presented a petition of landowners of Delaware co., for the passage of laws to protect them in their rights of property, which was read and committed to the committee of the whole.

Mr. Richmond presented six remonstrances of tax-payers of the village of Cohoes, against any alteration of the water act of said village, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Robertson presented a remonstrance against division of School District No. 2, of the towns of West Farms and Westchester, which was read and referred to the committee on literature.

Mr. Abell presented a petition of citizens of the town of Portage, for a pro rata freight law, which was read and referred to the select committee on that subject.

Messrs. Sessions, Colvin, Spinola, Hillhouse, Connolly, Ketcham, Richmond, Abell, Prosser, McGraw and Truman, severally presented petitions for the equal rights of women to suffrage, office and property, which were read and referred to the committee on the judiciary.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to constitute the village of North Watertown, in the county of Jefferson, a separate road district."

"An act in relation to the publication of legal notices in the counties of Fulton and Hamilton."

"An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath,' passed June 20, 1851.'"

"An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the village of Penn Yan, in the county of Yates, passed March 29, 1833,' passed March 23, 1852.'"

"An act to incorporate, in the city of New York, the Coast Wrecking company."

"An act for the preservation of wild deer, birds and fish."

Mr. Colvin, from the committee on the judiciary, to which was referred the petition of James Hay, for an act to determine his claim to property of John G. Leake, deceased, reported for the consideration of the Senate, a bill entitled "An act to determine the claim of James Hay to the real property and the proceeds thereof of John G. Leake, deceased," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts of George Aldrich, a justice of the peace," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act allowing the continued use of copartnership names in certain cases,' passed April 17, 1854," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Hammond, from the joint committee of the judiciary and commerce and navigation, to which was referred the bill entitled "An act to provide for ascertaining and collecting the damages caused by the destruction of the Marine Hospital and other buildings and property at Quarantine," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act in relation to the planting of oysters within the waters of this State," reported in favor

of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abell, from the committee on railroads, to which was referred the bill entitled "An act to amend an act in relation to railroad corporations, passed February 13, 1851," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

Mr. Gardiner gave notice that he would, at an early day, ask leave to introduce a bill to provide for the registration of births and marriages in the city of Brooklyn.

Mr. Grant gave notice that he would, at an early day, ask leave to introduce a bill for the payment to county treasurers of fines collected by courts of Special Sessions and commissioners of excise.

Also, a bill to provide for the election of town auditors, and in relation to auditing town accounts.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the village of White Plains, in the county of Westchester.

Mr. Truman gave notice that he would, at an early day, ask leave to introduce a bill to diminish the expenses of the publication of the State canvass, and of other official notices.

In pursuance of previous notice, Mr. Warner asked and obtained leave to introduce a bill entitled "An act to amend chapter 398 of the laws of 1854, entitled 'An act to provide for the enrollment of the militia and the organization of uniform corps and the discipline of the militia forces of this State,' passed April 17, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act in relation to disbursements in justices' courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act for the relief of Joseph Bayley," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act in relation to the county treasurer of the county of Rensselaer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to establish and regulate ferries between the city of New York and Staten Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms house department therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act extending the time for the collection of taxes in the several counties of this State," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Hillhouse	Munroe	Robertson
Colvin	Goss	Ketcham	Prosser	Rotch
Ferry	Grant	Lapham	Ramsey	Sessions
Fiero	Hammond	Lawrence	Richmond	Warner
				20

FOR THE NEGATIVE.

Abell	Connolly	McGraw	Truman	Williams
				5

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and said bill ordered transmitted to the Assembly immediately.

The bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath,' passed June 20, 1851,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Ramsey	Sessions
Bell	Goss	Lapham	Richmond	Truman
Colvin	Grant	Lawrence	Robertson	Warner
Connolly	Hammond	McGraw	Rotch	Williams
Ferry	Hillhouse	Prosser		
				23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Grant moved that the bill entitled "An act for the preservation of wild deer, birds and fish," be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	Prosser	Sessions
Bell	Grant	McGraw	Richmond	Warner
Connolly	Ketcham	Munroe	Robertson	Williams
Fiero	Lapham			

17

FOR THE NEGATIVE.

Colvin	Gardiner	Hillhouse	Rotch	Truman
Ferry	Hammond	J. M. Murphy	Spinola	

9

Mr. Spinola moved that said bill be referred to the first committee of the whole.

Mr. Lapham moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Spinola, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend an act to provide for building and repairing bridges in the town of Greene, in the county of Chenango, and to defray the expenses thereof by taxation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Sessions
Bell	Gardiner	Lapham	J. M. Murphy	Truman
Connolly	Goss	Lawrence	Prosser	Warner
Ferry	Grant	McGraw	Richmond	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to constitute the village of North Watertown, in the county of Jefferson, a separate road district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	J. M. Murphy	Sessions
Colvin	Goss	Lawrence	Prosser	Truman
Connolly	Grant	McGraw	Richmond	Warner
Ferry	Hammond	Munroe	Rotch	Williams
Fiero	Hillhouse			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the National Bank of Albany to reduce its capital stock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Prosser	Spinola
Bell	Grant	Lawrence	Ramsey	Truman
Colvin	Hammond	McGraw	Richmond	Warner
Connolly	Hillhouse	Munroe	Rotch	Williams
Ferry	Ketcham	J. M. Murphy	Sessions	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the rebuilding of the locks on the Oneida Lake canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Ramsey	Sessions
Colvin	Grant	Lawrence	Richmond	Spinola
Ferry	Hammond	McGraw	Robertson	Truman
Fiero	Hillhouse	Munroe	Rotch	Warner
Gardiner	Ketcham	J. M. Murphy		

23

FOR THE NEGATIVE.

Abell	Williams			
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2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act in relation to the publication of legal notices in the counties of Fulton and Hamilton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	Ramsey	Spinola
Colvin	Goss	Lawrence	Richmond	Truman
Connolly	Grant	McGraw	Robertson	Warner
Ferry	Hillhouse	Munroe	Rotch	Williams
Fiero	Ketcham	J. M. Murphy	Sessions	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the village of Penn Yan, in the county of Yates, passed March 29, 1833,' passed March 23, 1852,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Prosser	Spinola
Colvin	Grant	Lawrence	Ramsey	Truman
Connolly	Hammond	McGraw	Richmond	Warner
Fiero	Hillhouse	Munroe	Rotch	Williams
Gardiner	Ketcham	J. M. Murphy	Sessions	24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Spinola moved to amend the bill entitled "An act to incorporate, in the city of New York, the Coast Wrecking company," by inserting in sec. one, the name of "Charles A. Lamont," as an additional corporator.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	Prosser	Rotch
Colvin	Goss	Lawrence	Ramsey	Spinola
Connolly	Hammond	Munroe	Richmond	Truman
Fiero	Hillhouse	J. M. Murphy		18

FOR THE NEGATIVE.

Warner	Williams	2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Munroe offered the following resolution :

Resolved, That 500 extra copies of the report of the Superintendent of the Banking Department on Savings Bank, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Sessions moved that the bill entitled "An act to levy and collect tolls on freight passing over the New York Central railroad, and the New York and Erie railroad," be re-committed to the select committee reporting it, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, informing that they had concurred in the amendments of the Senate to the following entitled bill :

"An act for the preservation of fish in Hemlock lake and the outlet thereto, lying within the counties of Livingston and Ontario, and of Crooked Lake, lying within the counties of Steuben and Yates."

Ordered, That the Clerk return said bill to the Assembly.

Mr. Rotch moved that the bill entitled "An act in relation to the New York State Agricultural college," be referred to the first committee of the whole.

The President put the question whether the Senate would agree

to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to the New York State Agricultural College."

"An act for the preservation of wild deer, birds and fish."

"An act in regard to divorces dissolving the marriage contract."

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Ferry, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Lawrence moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered engrossed for a third reading, and that the question be taken on the final passage of said bill, at half-past 11 o'clock on Tuesday next, without delay or debate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Connolly	Hammond	Lawrence	Rotch	Spinola	
Ferry	Hillhouse	Robertson	Sessions	Truman	
Gardiner	Ketcham				12

FOR THE NEGATIVE.

Bell	Goss	Lapham	Munroe	Warner	
Fiero	Grant	McGraw	Prosser		9

Mr. Ferry, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

A message from the Assembly was received and read, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act extending the time for collection of taxes in the several counties of this State."

Ordered, That the Clerk deliver said bill to the Governor.

A message from the Assembly was received and read, informing that they had concurred in the amendments of the Senate to the bills entitled as follows:

"An act to authorize lateral plank, turnpike or flag-stone roads in Ulster county."

"An act releasing all the right, title and interest of the people of the State of New York to and in certain lands situated in the 12th ward of the city of New York, conveyed to Daniel Lord, of said city, counsellor at law, upon sales in certain actions of foreclosure, instituted by James Watt, junior."

Ordered, That the Clerk return said bills to the Assembly.

On motion of Mr. Fiero, the Senate adjourned.

MONDAY, FEBRUARY 27, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of Saturday, was read and approved.

Mr. Rotch presented a petition of inhabitants of Otsego county, in favor of a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of inhabitants of same county, in favor of the proposed amendment of the Constitution in relation to the judiciary, which was read and laid on the table.

Mr. Spinola presented a petition of 1,934 citizens of Brooklyn, for an amendment of the water act of said city, which was read and committed to the committee of the whole.

Mr. Manierre presented a petition of citizens of Hudson, for a law to prevent slave hunting in this State, which was read and referred to the committee on the judiciary.

Also, a petition of Daniel Lord and other members of the bar of New York, for an amendment to the Code of Procedure, which was read and referred to the committee on the judiciary.

Also, a remonstrance against incorporation of New York Dental College, which was read and committed to the committee of the whole.

Also, a petition of citizens of New York and Brooklyn, in behalf of the American Female Guardian Society and Home for the Friendless, which was read and referred to the committee on finance.

Mr. Ramsey presented a petition of citizens of Schoharie county, for the repeal of the charter of the Middleburgh Bridge company, which was read and referred to the committee on roads and bridges.

Mr. Munroe presented a petition of tax-payers of School District No. 1, town of Salina, asking that the school in said district may be made free, which was read and referred to the committee on literature.

Mr. Spinola presented two petitions of merchants and shippers of New York, against any removal of East River steamboat landings, which were read and referred to the committee on commerce and navigation.

Mr. Grant presented a petition of citizens of Sullivan county, in favor of a pro rata freight law, which was read and referred to the select committee on that subject.

Messrs. Lapham, Rotch, Bell, Goss and Ramsey, presented petitions in favor of equal rights of suffrage, office and property to women, which were read and referred to the committee on the judiciary.

Messrs. Truman and Grant presented seventeen several remonstrances of citizens of Tioga, Broome, Sullivan, Orange and Delaware counties, against the passage of a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Hillhouse, from the committee on literature, to which was referred the petition of the New Paltz Academy, for relief, reported in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioner be denied; which report was agreed to.

Mr. Hillhouse, from the committee on literature, to which was referred the petitions of inhabitants of Rensselaer county, for the abolishing of the office of school commissioner, reported in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioners be denied; which report was agreed to.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 398 of the laws of 1854, entitled 'An act to provide for the enrollment of the militia and the organization of the uniform corps, and the discipline of the military forces of this State,' passed April 17, 1854," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to amend the 75th section of the 2d article of the Revised Statutes.

Also, a bill to amend an act entitled "An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes."

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act in relation to the Port Jackson and Union Falls Plankroad association, in the towns of Peru and Schuyler Falls, in Clinton county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Truman asked and obtained leave to introduce a bill entitled "An act to diminish the expense of the publication of the State canvass, and of other official notices," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

In pursuance of previous notice, Mr. Ferry asked and obtained leave to introduce a bill entitled "An act to amend an act to incorporate the Savings bank of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Grant asked and obtained leave to introduce a bill entitled "An act to provide for the payment to county treasurers of fines collected by courts of Special Sessions," which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on the internal affairs of towns and counties.

The Assembly bill entitled "An act to authorize the trustees of Columbia College, in the city of New York, to take and hold certain real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell
Bell
Colvin
Connolly

Ferry
Gardiner
Goss
Grant

Hillhouse
Lapham
Lawrence

Manierre
Prosser
Ramsey

Robertson
Rotch
Warner

17

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Ramsey,

Resolved, That the Secretary of State is requested to report to the Senate, at an early day, what number of the pamphlet edition of the election laws published in 1856, were then printed, what number yet remain on hand at his office, and whether a new edition is necessary to supply the annual demand therefor by the officers on whom duties are devolved by those laws.

On motion of Mr. Ramsey,

Resolved, That the Clerk be directed to furnish the standing committee on the erection and division of towns and counties, with a copy of the last edition of the Revised Statutes, to be deposited in the Senate Library when not in use by the committee.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act in relation to divorces dissolving the marriage contract."

"An act for the protection of the property in trade, and the earnings of married women."

"An act to incorporate the Citizens' Savings bank of the city of New York."

After some time spent thereon, the President resumed the chair, and Mr. Rotch, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Rotch, from the same committee, reported that they had gone through with the second named bill, and substituted therefor the bill entitled "An act concerning the rights and liabilities of husband and wife," and recommend its passage.

The President then put the question whether the Senate would agree to the report of the committee of the whole, as amended, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

Mr. Rotch, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, February 27, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

- Feb. 15. "An act to amend an act entitled 'An act for the relief of Thomas F. Woodworth,' passed April 16, 1859."
15. "An act to provide for the election of a police justice in the village of Watertown, and for other purposes."
16. "An act to further amend the charter of the village of Dunkirk, and to provide for holding town and village elections on the same day in and for the town of Dunkirk."
17. "An act to regulate the compensation of the crier of the Courts of Oneida county."
18. "An act to facilitate the completion of the Lake Ontario and Hudson river railroad."
18. "An act to amend the first section of an act passed April 6, 1859, entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school.'"
18. "An act to compel the attendance of witnesses before committees of common councils of cities, and to punish false swearing by such witnesses."
18. "An act to extend the time for the completion of the Buffalo, Bradford and Pittsburgh railroad."
18. "An act to authorize the board of supervisors of the county of Oneida, to levy a tax for the purpose of building a poor house in the town of Rome."
18. "An act to amend an act entitled 'An act to incorporate the Binghamton Waterworks company,' passed April 13, 1857."

E. D. MORGAN.

On motion of Mr. Truman, and by unanimous consent,

Resolved, That the petition of Wm. P. Paff for a bridge across the Erie canal, which was referred to the committee on claims, be taken from said committee and referred to the committee on canals.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the Chenango County Savings bank."

Assembly bill, "An act to authorize the common council of the city of Troy to purchase and convey to the State of New York, a site for a regimental armory."

"An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported in favor of the

passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Warner, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly bill, "An act to incorporate 'The Athenæum Association,' in the city of New York."

"An act to amend an act entitled 'An act in relation to school district number six, in the town of Lyons, Wayne county,' passed April 7, 1856."

"An act to extend the time of payment of certain assessments in the county of Kings."

After some time spent thereon, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Munroe, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Manierre moved that the bill entitled "An act to facilitate the acquisition of land for a junction gate house, and to connect the same with the new reservoir and the city mains, in the city of New York," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly bill, "An act in relation to the fees of the county treasurer in the county of Albany."

"An act to facilitate the acquisition of land for a junction gate house, and to connect the same with the new reservoir and the city mains, in the city of New York."

"An act to protect the purchasers of fertilizers."

After some time spent thereon, the President resumed the chair, and Mr. McGraw, from said committee, reported in favor of the passage of said bills, without amendment, which reports were agreed to, and bills ordered engrossed for a third reading.

Mr. Prosser moved that the Assembly bill entitled "An act to authorize the common council of the city of Buffalo to apply certain moneys to the reconstruction of the iron bridge over Peacock slip in said city, and to provide for advertising in a German paper," be referred to the first committee of the whole.

The President put the question whether the Senate would agree

to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that the bill entitled "An act to confirm certain assessments made by the directors of the Delaware and Susquehanna Plankroad company, upon the amount subscribed to the capital thereof, for the payment of the debts against said company," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide for the appraisal and payment of canal damages to Abel Downs and Seabury S. Gould."

"An act to confirm certain assessments made by the directors of the Delaware and Susquehanna Plankroad company, upon the amount subscribed to the capital thereof, for the payment of the debts against said company."

Assembly bill, "An act to authorize the common council of the city of Buffalo to apply certain moneys to the reconstruction of the iron bridge over Peacock slip in said city, and to provide for advertising in a German paper."

After some time spent thereon, the President resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to, and said bills ordered to a third reading.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act relating to the city of Rochester, and to amend the charter thereof," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Goss, and by unanimous consent, the rules were suspended and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	Prosser	Sessions
Colvin	Goss	Lawrence	Ramsey	Spinola
Connolly	Grant	McGraw	Richmond	Truman
Ferry	Hillhouse	Manierre	Roth	Warner

20

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Truman moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Ramsey moved that the bill entitled "An act in relation to the punishment of crimes, and concerning prisoners confined in the State Prisons," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the New York Central and Oswego and Syracuse Railroad companies to erect a station house in the village of Geddes, and to charge additional fare."

"An act in relation to the punishment of crimes, and concerning prisoners confined in the State Prisons."

After some time spent thereon, the President resumed the chair, and Mr. Hillhouse, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hillhouse, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Richmond, the Senate adjourned.

TUESDAY, FEBRUARY 28, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Miles.

The journal of yesterday was read and approved.

Mr. Williams presented a petition of inhabitants of the town of Rose, Wayne county, for a bridge over Great Sodus bay, in said county, which was read and committed to the committee of the whole.

Mr. Fiero presented a petition of Mark W. Powell and others, commissioners, &c., for relief, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Hillhouse presented a petition and resolutions of a convention of the people of Seneca county, in favor of a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Truman presented a petition of board of trustees of the village of Owego, for an amendment of their charter, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Kelly presented three remonstrances of citizens of Orange co., against the passage of a pro rata freight law, which were read and referred to the select committee on that subject.

A communication was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit :

STATE OF NEW YORK :

EXECUTIVE DEPARTMENT, }
ALBANY, February 27, 1860. }

To the Senate and Assembly:

I deem it my duty again to call the attention of the Legislature to the imperative necessity which exists for increasing the revenue to be derived from our public works. I do this at this time because one-half of the ordinary session of the Legislature has passed without any decisive steps having been taken in that direction, and because there seems not to be a full appreciation of the duty imposed by the Constitution to return to the financial policy which existed at the adoption of that instrument.

In my recent annual message, I said :

"Prior to the year 1844, there were great differences in the positions of the railroads with reference to the transportation of merchandize. While some of them were allowed to carry it during the entire year without limitation, others were permitted to do so only when the canals were closed, and on payment of tolls, while one, at least, was absolutely forbidden to carry freight at all. In 1844, however, an approach to a more uniform system was made, by giving to all roads that did not previously possess it, the right to transport freight during the suspension of canal navigation, and by requiring all the railroads along the line of the Erie and Oswego canals to pay the same rates per mile on freight transported over them as it would have paid if carried on the canals. In 1847 all railroads along the central line were permitted to carry freight the entire year, and required to pay tolls. In 1850 the same provisions were, by the general railroad act, made applicable to all railroads running parallel to and within thirty miles of any canal. In 1851 all tolls were abolished upon freight carried over railroads, under the expectation that the revenues from the enlarged canals would prove adequate to the payment of the interest upon the canal debt.

"During the time that tolls were imposed upon the railroads the amount received from them by the State steadily increased from ten thousand four hundred and fifty-eight dollars and forty-four cents, in 1845, to one hundred and sixty-three thousand two hundred and thirty-seven dollars and twenty cents, in 1851. On the through freight carried the whole length of the line of the Central railroad in 1857, the tolls, at the two mill rates, would have been four hundred and twelve thousand nine hundred and fifty-six dollars and fifty-seven cents, and in 1858, four hundred and forty thousand four hundred and ninety-five dollars and twenty-eight cents. On the through freights carried over the New York and Erie railroads in 1857, the tolls at the same rate would have been about three hundred and fifty thousand dollars.

"Since 1851 the tolls received from the canals have steadily decreased from three millions seven hundred and three thousand nine hundred and ninety-nine dollars and thirty-one cents, the amount in 1851, to one million eight hundred and twelve thousand two hundred and eighty dollars and eighty cents, the amount in 1859, though the tonnage has remained about the same, having been three million five hundred and eighty-two thousand seven hundred and thirty-three tons, in 1851, and three million six hundred and sixty-five thousand one hundred and ninety-two in 1859. The loss in tolls has been caused by the diversion from the canals to the railroads of a large portion of those classes of freight which formerly paid high tolls, and which the heavy reductions in canal tolls failed to retain, while the tonnage of the canals has been maintained by the increase in those classes of heavy freight which the railroads cannot profitably transport. Examination shows that the tonnage of the railroads is largely in excess on all classes of freight, except the products of the forest and vegetable food, and that even in the latter class the railroads are gaining rapidly.

"If, therefore, the constantly increasing amount of freight carried over the railroads has occasioned a corresponding diminution of our canal revenues, until the interest on the canal debt, formerly paid from these revenues, has now to be drawn by direct taxation from the people, is there not an imperative necessity for protective legislation? I cannot doubt either the wisdom or the justice of re-imposing, for a few years, a moderate toll per ton, during the season of navigation, upon all freight passing over railroads competing with the canals, or of requiring these roads to pay an aggregate equivalent in money, annually, into the treasury. When the canals shall have been completed the railroads should be relieved from a burden temporarily imposed, so that commerce may have the advantage of the quickest and cheapest means of transit for merchandize and produce to and from the vast and bountiful west."

The argument in favor of the re-imposition of tolls upon the railroads, might have been extended by instituting a comparison between the traffic of the railways and that of the canals since 1851. While the tolls received from the canals have been, as I have shown, steadily diminishing, the tonnage and revenues of the railroads derived from freight have largely increased. In 1853, the number of tons of freight carried over the Central and Erie railroads was nine hundred and ninety-one thousand; in 1857 it was one million eight hundred and sixteen thousand; in 1858, notwithstanding the general depression of business, one million five hundred and eighty-two thousand, and in 1856, one million seven hundred thousand.

If we take the Central railroad alone, as the one which comes more directly in competition with the canals, the result is the same. In 1853, the tonnage was three hundred and sixty thousand tons, and in 1859 eight hundred and thirty-four thousand.

The receipts of this road from freight were one million eight hundred and thirty-five thousand dollars in 1853; four million five hundred and fifty-nine thousand dollars in 1857; and three million three hundred and thirty seven thousand dollars in 1859.

In short, while the tolls from the canals have decreased from three million seven hundred thousand dollars in 1851, to one million eight hundred thousand dollars in 1859, the receipts of the Central railroad from freight have increased from one million eight hundred thousand dollars in 1853, to three millions three hundred thousand dollars in 1859.

That the re-imposition of tolls on railroads would not be onerous to any one of them, is shown by the fact that those most conversant with the subject are of the opinion that the amount the roads would be required to pay into the treasury would be about half a million of dollars, though the amount which such a measure would indirectly produce would be very much larger. I am aware that it is sometimes urged that any toll upon the railroads would drive business from this State to the competing roads of other States, without benefiting the treasury. But the single fact that as soon as canal navigation ceases the rate of transportation is largely advanced, though the facilities of the rival roads for competing are at the same time largely increased in every respect, affords abundant evidence that no such result need be apprehended.

I have referred to this subject hitherto, as I did in my annual message, as a matter of financial policy required by the public interest. But I deem it necessary to remind the Legislature that it involves a constitutional obligation which must be met. Both the Constitution of 1846, and the amendment of 1854 pledged the revenues of the canals to the payment of the interest and principal of the public debt, and the public creditor has therefore both a legal and a moral right to insist that the revenues thus solemnly guaranteed to secure the payment of his debt, shall not be diverted or dissipated. If the Constitution forbids the Legislature to dispose of the canals, does not this provision also forbid them to divert or destroy their revenues?

It seems clear that the Legislature is, by the Constitution, deprived of any authority to interfere with the revenues of the canals in any way which shall render them insufficient to meet the requirements of that instrument, and both the Legislature and the Canal Board fail to perform their whole duty when they fail so to adjust the tolls as to produce the greatest amount of revenue.

If the revenues exceed the amount called for by the constitutional pledge, we may so deal with the excess as to accommodate local or private interests, but not otherwise. In other words, the canal policy of the State must be governed with reference to revenue mainly, till the sum demanded by the Constitution is secured, and if, misled by too sanguine anticipations, the Legislature, in 1851, entered upon a course which has resulted in a

serious diminution of that revenue, it is an imperative constitutional duty to retrace the step then taken, and to provide a revenue adequate at least to meet the claims of the public creditor, to do which, it must be admitted, is the highest duty of a State.

The report of the Auditor of the Canal Department for the present year contains two tables which show most conclusively that the law of 1851, relieving the railroads from tolls, was a serious error. One of them is an estimate which was submitted to the Constitutional Convention in 1846, of the tolls and net revenue from the canals for ten years from that period. The other exhibits the actual tolls and actual net revenue for those same ten years. These tables show that during every year from 1846 to 1851 inclusive, the actual receipts and net revenue exceeded the estimated receipts and net revenue; while during every year from 1852 to 1855 inclusive, both the actual receipts and net revenue were much below the estimates. This diminution, coincident in point of time with the removal of tolls from the railroads, though perhaps due in part to other influences, must be ascribed principally to the measure of 1851; a measure which I hazard nothing in saying could never have become a law if the Legislature had not fully believed that the enlargement of the canals insured the amount required by the Constitution.

The Constitution disposes of the revenues derived from the canals, annually, in the following manner:

1st. To pay the expenses of collection, superintendence and ordinary repairs.

2d. To pay the interest and provide a Sinking Fund to pay the principal of the old canal debt, one million seven hundred thousand dollars.

3d. To pay the interest and provide a Sinking Fund to pay the principal of the General Fund debt, three hundred and fifty thousand dollars until the old canal debt is provided for, and then, for the same purpose, one million five hundred thousand dollars.

4th. To pay interest and provide a Sinking Fund to pay the new canal debt in eighteen years, which debt now amounts to twelve million dollars, and will require for interest annually, seven hundred and ten thousand dollars.

5th. For the support of government, two hundred thousand dollars.

6th. The remainder to be expended every year upon the canals until they are completed, and after that as the Legislature may direct.

Estimating the expenses of collection, superintendence, and ordinary repairs at five hundred thousand dollars, the Constitution then calls for three million four hundred and sixty thousand dollars of annual revenue from the canals, and there is no reasonable doubt that, by just legislation and a proper adjustment of canal tolls by the Canal Board, a permanent revenue of nearly, or quite that sum may be realized. If it is not, the people must continue to be taxed for the payment of interest.

Taxation is the only resort to provide means for the support of government, for the schools, the charities and for interest and sinking fund contribution on the loan authorized by the people in November last. For these purposes fully $2\frac{1}{4}$ mills on the dollar of the valuation of 1859 will be required. If the railroads are to be permitted still to destroy the ability of the canals to meet the constitutional requirements upon them without any equivalent on their part, and tolls on the canals remain as they now are, and present and prospective deficiencies in revenue are to be provided by direct taxation, there will then be a levy necessary for such purpose to be imposed, at the present session, of $1\frac{1}{2}$ mills more, and this is exclusive of any appropriation to supply means for securing a uniform water way of seven feet on the Erie and Oswego canals, a measure required by the public interests, and exclusive of many other applications for aid from the treasury.

In 1854 the revenues were for the first time inadequate to meet all the requirements of the Constitution, the two hundred thousand dollars for the support of government not having been paid that year. In 1856 the canal revenues were insufficient to meet the interest on the new canal debt of twelve million dollars; in 1857 they were only sufficient to pay a portion of the \$350,000 due to the General Fund Debt Sinking Fund, and in 1858 they for the first time failed to meet the first constitutional requirement of one million seven hundred thousand dollars, for the interest and principal of the canal debt, and have ever since continued inadequate for that purpose. The total deficiency to meet the constitutional requirement will be on the first of October next, about five million seven hundred and fifty thousand dollars, and is increasing at the rate of about two millions a year. Of the total deficiency, about four million seven hundred and fifty thousand dollars is the amount diverted from the fund solemnly pledged by the Constitution for the payment of the public debt. Besides this large aggregate, there is the further sum of about three million dollars which has been raised by taxation and expended upon the canals which the Constitution requires shall be eventually paid from their revenues.

We have now arrived at a point where the public creditor has no positive security that the interest and principal of his debt will be paid as it becomes due. He knows that it will not be paid from the fund consecrated to it, for that has been rendered insufficient by legislation. It was the intention of the Constitution that he should have a definite fund or revenue on which he could rely, beyond the control or neglect of the Legislature, and subject only to the remote contingency arising from a possible stagnation of business.

If we allow the matter to remain as it is, the public creditor will have much cause to complain; but if we reimpose tolls upon the railroads that are diverting and impairing the revenues of the canals, and suitably increase the tolls upon the latter, he will either receive back the revenues pledged to him, or their loss will

be due to other causes than improvident legislation. At the same time the tax-payer will pay the taxes cheerfully, when he feels that he is not taxed to pay interest on the canal debt till every effort has been made to procure the required amount from the canals themselves.

E. D. MORGAN

Mr. Hammond moved that said message be referred to the committee on finance.

Mr. Lawrence moved to lay the message on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.				
Colvin	Connolly	Gardiner	Kelly	Lawrence
FOR THE NEGATIVE.				
Abell	Hillhouse	Montgomery	Ramsey	Sessions
Ferry	Ketcham	Munroe	Richmond	Truman
Fiero	Lapham	P. P. Murphy	Robertson	Warner
Goss	Manierre	Prosser	Rotch	Williams
Hammond				

21

The President then put the question whether the Senate would agree to said motion of Mr. Hammond, and it was decided in the affirmative.

The hour of half-past eleven having arrived, the President announced the special order, being the third reading of the bill entitled "An act for the preservation of wild deer, birds and fish."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.				
Abell	Gardiner	Manierre	Robertson	Spinola
Colvin	Hammond	Montgomery	Rotch	Truman
Connolly	Hillhouse	P. P. Murphy	Sessions	Williams
Ferry	Lawrence	Richmond		
FOR THE NEGATIVE.				
Bell	Goss	Ketcham	Prosser	Warner
Fiero	Kelly	Lapham	Ramsey	

18

9

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ketcham presented a petition of inhabitants of East Fishkill, for aid to Hartford, Providence and Fishkill railroad, which was read and referred to the committee on finance.

Mr. Manierre presented a petition of citizens of Brooklyn, for alteration of map of the village of Williamsburgh, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of the American Female Guardian society, for relief, which was read and referred to the committee on finance.

Also, three remonstrances of citizens of Orange county, against pro rata freight law, which were read and referred to the select committee on that subject.

Also, three memorials of citizens of New York and Brooklyn, for a proper code of health laws, which were read and referred to the committee on medical societies.

Mr. Ramsey presented a petition of citizens of Middleburgh, Schoharie county, for repeal of the Middleburgh bridge charter, which was read and referred to the committee on roads and bridges.

Mr. Connolly presented a petition of board of trustees of the New York Dispensary, for aid, which was read and referred to the committee on finance.

Mr. Richmond presented a petition of inhabitants of Rensselaerville, for laws to protect them in their rights of property, which was read and committed to the committee of the whole.

Also, two remonstrances of citizens of New York, against extension of Madison avenue, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Sessions presented nine remonstrances from inhabitants of Cattaraugus, Chautauqua and Allegany counties, against pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Colvin presented two petitions of citizens of Cohoes, for amendment of the water act, which were read and referred to the committee on the incorporation of cities and villages.

Also, three petitions of citizens of Canadaville, for equal rights of women, which were read and referred to the committee on the judiciary.

Mr. Montgomery presented a petition of inhabitants of the town of Madrid, St. Lawrence county, for a law requiring plaintiffs to give security for costs in civil actions, which was read and referred to the committee on the judiciary.

Also, two remonstrances of commissioners of highways and 200 citizens of the town of Northampton, against building bridge over west branch of the Hudson river, which were read and committed to the committee of the whole.

Mr. Hammond presented twelve remonstrances of citizens of Chemung and Steuben counties, against passage of the pro rata freight law, which were read and referred to the select committee on that subject.

Also, a petition of citizens of Steuben county, for equal rights of women, which was read and referred to the committee on the judiciary.

Mr. Sessions presented a petition of citizens of Chautauqua, for reduction of fare on the Buffalo and State Line railroad, which was read and committed to the committee of the whole.

Mr. Hammond presented a petition of inhabitants of Steuben co., in favor of a pro rata freight law, and tolls on railroads, which was read and referred to the select committee on that subject.

Mr. Ketcham, from the committee on insurance companies, to which was referred the bill entitled "An act to authorize the formation of a mutual insurance company in the towns of Rensselaerville

and Westerlo in the county of Albany, and the towns of Durham and Greenville in the county of Greene," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of the widow and children of Joseph Sayres, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to enlarge the powers and jurisdiction of the court of sessions of Rensselaer county," reported that the committee had had the same under consideration, have made some amendments thereto, and amended the title so as to read as follows: "An act to enlarge the powers and jurisdiction of the courts of sessions of the several counties of this State," and in favor of the passage of the same, as amended, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act, passed April 12, 1866, entitled 'An act to amend an act, passed February 16, 1821, entitled 'An act establishing a justice court in the city of Albany,' and the acts amendatory thereof, and to regulate the fees of justices and jurors in said court, and in certain proceedings,'" reported in favor of the passage of the same and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the rights and liabilities of owners and lessors and of lessees and occupants of buildings," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing Courts of Sessions to transfer proceedings to the Oyer and Terminer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to disbursements in justices' courts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the American Museum," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to district attorneys," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the petition of W. G. Wood and others, praying for an act to legalize the laying out of a street in Harlem, New York, reported by bill entitled "An act to alter the map or plan of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the act to incorporate the village of Stillwater," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to protect the purchasers of fertilizers."

"An act to confirm certain assessments made by the directors of the Delaware and Susquehanna plank road company, upon the amount subscribed to the capital thereof, for the payment of the debts against said company."

"An act to provide for the appraisal and payment of canal damages to Abel Downs and Seabury S. Gould."

"An act to amend an act entitled 'An act in relation to school district number six, in the town of Lyons, Wayne county,' passed April 7, 1856."

"An act to authorize the New York Central and Oswego and Syracuse railroad companies to erect a station house in the village of Geddes, and to charge additional fare."

"An act concerning the rights and liabilities of husband and wife."

"An act to incorporate the Chenango County Savings Bank."

"An act to amend and consolidate the several acts relating to the village of Cherry Valley."

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the bill entitled "An act to regulate the sale of poisons," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the surviving trustees of the First Wesleyan Methodist Church of Keeseville, to convey certain premises to Jacob Blaisdell, of Keeseville," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to incorporate the New York City

Library Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was recommitted the Assembly bill entitled "An act to alter the map of the late village of Williamsburgh, now city of Brooklyn, by striking out part of a street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to extend York street, in the city of Brooklyn, from James street to Fulton street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Gurdon Conkling, for relief, reported in favor of the adoption of the following resolution: *Resolved*, that the prayer of the petitioner be denied; which report was agreed to.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Connolly, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to incorporate the Citizens' Savings bank of the city of New York."

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Superintendent of the Banking Department, on savings banks, reported in favor of the adoption of the following resolution:

Resolved, That 500 extra copies of the report of the Superintendent of the Banking Department on Savings Banks, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

A message from the Assembly was received and read, informing that they had concurred in the passage of the bill entitled "An act to incorporate Phoenix Hook and Ladder company No. 1, at Chateaugay Four Corners, Franklin county," with the following amendments:

Sec. 1, line 16, engrossed bill, strike out the words "also that."

Line 17, same section, after the word "shall," insert the word "also."

Sec. 3, line 3, strike out the word "thirty," and insert in lieu thereof the words "twenty-five."

Sec 4, line 5, strike out the word "six" and insert the word "two."

Same section, after word "militia," in sixth line, strike out balance of section.

Mr. Montgomery moved that the Senate concur in the amendments of the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	P. P. Murphy	Spinola
Bell	Goss	Lapham	Richmond	Truman
Colvin	Hammond	Montgomery	Robertson	Warner
Connolly	Hillhouse	Munroe	Rotch	Williams
Ferry	Kelly			

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill regulating the rates of freight on milk, on the New York and Erie railroad.

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill to amend the several laws in relation to State Prisons.

Mr. Williams gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 178 of the laws of 1859.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act further to amend an act entitled 'An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act for the relief of insolvent debtors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend the 75th section of the second article of title first, chapter first, and part second of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

The bill entitled "An act to amend and consolidate the several acts relating to the village of Cherry Valley," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Munroe	Rotch
Colvin	Hammond	Lapham	P. P. Murphy	Truman
Ferry	Hillhouse	Lawrence	Prosser	Warner
Fiero	Kelly	Montgomery	Robertson	Williams
Gardiner				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 12 o'clock having arrived, the President announced the special order, being the consideration of the annual message of His Excellency the Governor.

Mr. Goss moved that said special order be postponed for one week.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act concerning the rights and liabilities of husband and wife," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Robertson	Truman
Bell	Hammond	Munroe	Rotch	Warner
Colvin	Ketcham	P. P. Murphy	Sessions	Williams
Fiero	Lapham	Prosser		

18

Mr. Colvin moved to reconsider the vote on said bill, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act in relation to school district number six, in the town of Lyons, Wayne county,' passed April 7, 1856," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Munroe	Sessions
Bell	Goss	Lawrence	P. P. Murphy	Truman
Colvin	Hammond	Manierre	Prosser	Warner
Connolly	Hillhouse	Montgomery	Robertson	Williams
Fiero	Ketcham			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the appraisal and payment of canal damages to Abel Downs and Seabury S. Gould," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Montgomery	Sessions
Colvin	Hammond	Lawrence	Munroe	Truman
Ferry	Hillhouse	McGraw	Prosser	Warner
Gardiner	Ketcham	Manierre	Robertson	
				19

FOR THE NEGATIVE.

Abell	Connolly	Fiero	P. P. Murphy	Williams	5
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm certain assessments made by the directors of the Delaware and Susquehanna Plankroad company, upon the amount subscribed to the capital thereof, for the payment of the debts against said company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Lapham	Munroe	Truman
Colvin	Hillhouse	McGraw	Prosser	Warner
Ferry	Kelly	Manierre	Sessions	Williams
Fiero	Ketcham	Montgomery		
				18

FOR THE NEGATIVE.

Abell	Lawrence	P. P. Murphy			3
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate 'The Athenaeum Association,' in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Montgomery	Botch
Bell	Goss	Ketcham	Munroe	Sessions
Colvin	Hammond	Lapham	P. P. Murphy	Truman
Connolly	Hillhouse	Manierre	Prosser	Williams
Ferry				
				21

FOR THE NEGATIVE.

McGraw	Warner				2
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act in relation to the compensation of the county treasurer in the county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Munroe	Sessions
Colvin	Hammond	Lawrence	P. P. Murphy	Truman
Connolly	Hillhouse	McGraw	Prosser	Warner
Ferry	Kelly	Manierre	Rotch	Williams
Fiero	Ketcham	Montgomery		

23

FOR THE NEGATIVE.

Abell

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

By unanimous consent, Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the protection of the property in trade, and the earnings of married women," reported in favor of the passage of the same.

Mr. Colvin moved to take from the table the motion to reconsider the vote on the bill entitled "An act relating to the rights and liabilities of husband and wife."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

On motion of Mr. Hammond, and by unanimous consent, said Assembly bill was amended by substituting therefor Senate bill No. 155, being in the words following :

"An act concerning the rights and liabilities of husband and wife."

The People of the State of New York represented in Senate and Assembly do enact as follows:

Sec. 1. The property, both real and personal which any married woman now owns as her sole and separate property, that which comes to her by descent, devise, bequest, gift or grant, that which she acquires by her trade, business, labor or services, carried on or performed on her sole and separate account, that which a woman married in this State owns at the time of her marriage, and the rents, issues, profits and proceeds of all such property, shall, notwithstanding her marriage, be and remain her sole and separate property, and may be used, collected and invested by her, in her own name, and shall not be subject to the interference or control of her husband, or liable for his debts.

§ 2. A husband and wife may, by their joint deed, convey the real estate of the wife, which is not her separate property, in like manner as she might do by her separate deed, if she were unmarried ; but the wife shall not be bound by any covenant contained in such joint deed.

§ 3. A married woman may bargain, sell, assign, convey and lease her separate real and personal property, enter into any contracts in reference to the same, carry on any trade or business, and perform

any labor or services on her sole and separate account ; and sue and be sued in all matters having relation to her separate property, business, trade, services, labor and earnings, in the same manner as if she were sole.

§ 4. The contract made by a married woman in respect to her separate property, trade, business, labor or services, shall not be binding on her husband, nor render him or his property liable therefor; but she and her separate property shall be liable for such contracts in the same manner as if she were sole.

§ 5. Payment may be made to a married woman for wages earned by her labor, and her receipt for the income of property held in trust for her, or for the principal when the same is payable to her, or for the payment to her of money deposited by or due to her, before or after marriage, shall be a valid receipt and discharge, although her husband does not join therein.

§ 6. This act shall take effect on the first day of May next.

On motion of Mr. Hammond, and by unanimous consent, said Assembly bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	Prosser	Sessions
Bell	Hillhouse	Montgomery	Ramsey	Truman
Colvin	Kelly	Munroe	Robertson	Warner
Connolly	Lapham	P. P. Murphy	Rotch	Williams
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to authorize the common council of the city of Buffalo to apply certain moneys to the reconstruction of the iron bridge over Peacock slip in said city, and to provide for advertising in a German paper," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Rotch
Bell	Hammond	Lawrence	P. P. Murphy	Sessions
Colvin	Hillhouse	McGraw	Prosser	Truman
Connolly	Kelly	Manierre	Ramsey	Warner
Fiero	Ketcham	Montgomery	Robertson	Williams

25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to authorize the New York Central and Oswego and Syracuse Railroad companies to erect a station house in the village of Geddes, and to charge additional fare," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	McGraw	P. P. Murphy	Rotch
Bell	Hillhouse	Manierre	Prosser	Sessions
Ferry	Kelly	Montgomery	Ramsey	Truman
Fiero	Ketcham	Munroe	Robertson	*Williams
Goss	Lapham			

22

FOR THE NEGATIVE.

Lawrence Warner

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Chenango County Savings Bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Rotch
Bell	Hillhouse	McGraw	Prosser	Sessions
Ferry	Kelly	Manierre	Ramsey	Williams
Fiero	Ketcham	Montgomery	Robertson	

19

FOR THE NEGATIVE.

Warner

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Citizens' Savings Bank of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Munroe	Sessions
Bell	Gardiner	Ketcham	Prosser	Spinola
Colvin	Goss	McGraw	Ramsey	Truman
Connolly	Hammond	Manierre	Robertson	Williams
Ferry	Hillhouse	Montgomery	Rotch	

24

FOR THE NEGATIVE.

Warner

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to facilitate the acquisition of land for a junction gate house, and to connect the same with the new reservoir and the city mains, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	P. P. Murphy	Seaborn
Colvin	Hammond	McGraw	Prosser	Spinola
Connolly	Hillhouse	Manierre	Ramsey	Truman
Ferry	Kelly	Montgomery	Robertson	Warner
Fiero	Ketcham	Munroe	Rotch	Williams 25

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. P. P. Murphy offered the following resolution :

Resolved, That 1,000 extra copies of the annual report of the New York State Medical Society for 1860, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Williams, from the committee on banks, to which was referred the petition of citizens of East Brooklyn for the charter of a savings bank, reported by bill entitled "An act to incorporate the East Brooklyn Savings Bank, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Lawrence moved to reconsider the vote by which the Governor's message was made the special order for one week from to-day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lawrence moved to amend so that it be made the special order for Friday next at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ferry moved that the bill entitled "An act for the relief of the Utica Steam Woolen Mills, a corporation located in the city of Utica," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act in regard to divorces dissolving the marriage contract."

"An act in relation to the New York State Agricultural College."

"An act for the relief of the Utica Steam Woolen Mills, a corporation located in the city of Utica."

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. P. P. Murphy, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Hammond offered the following resolution :

Resolved, That there be printed for the use of the Senate, five times the usual number of the message of His Excellency the Gov-

error, this day transmitted to the Senate, in relation to the State finances.

Ordered, That said resolution be referred to the committee on public printing.

On motion of Mr. Fiero, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the prevention of frauds in the transfer of stock, and for the protection of stockholders."

"An act to amend section 5, chapter 174, laws of 1853, in relation to laying out private roads and discontinuing public highways."

"An act relating to unclaimed deposits in savings banks."

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Prosser, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to amend an act in relation to assessments for local improvements in the city of Brooklyn, passed April 9, 1859," was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rules were suspended, and said bill referred to the committee on the incorporation of cities and villages, with power to report complete.

On motion of Mr. Fiero, the Senate adjourned.

WEDNESDAY, FEBRUARY 29, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Miles.

The journal of yesterday was read and approved.

Mr. Goss presented a petition of citizens of Brockport, for a law to pay interest on awards made by Canal Appraisers, which was read and referred to the committee on finance.

Mr. Abell presented a petition of citizens of Livingston county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ketcham presented a remonstrance of citizens of Dutchess county, on the same subject, which was read and referred to the select committee on that subject.

Mr. McGraw presented a petition of citizens of Cortland county, for equalization of taxes on real estate, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Prosser presented a petition of citizens of Cattaraugus county, for a bridge across Allegany river, which was read and referred to the committee on Indian affairs.

Mr. Montgomery presented a petition of the president and secretary of the St. Lawrence International Agricultural and Mechanical society, for an act to incorporate the Oswegatchie Fair Ground company, which was read and referred to the committee on agriculture.

Mr. Rotch presented a petition of inhabitants of Otsego county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ramsey presented a petition of citizens of Schoharie county, on the same subject, which was read and referred to the same committee.

Mr. J. M. Murphy presented a petition of citizens of New York, for equal rights of women to suffrage, office and property, which was read and referred to the committee on the judiciary.

Mr. Munroe presented three petitions of citizens of Onondaga and Schenectady counties, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Robertson presented a petition of citizens of Rockland county, for a law requiring commissioners of excise in said county, to pay over moneys collected by them to the superintendents of the poor, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Ramsey presented a petition of Philip Christians, jr., for relief, which was read and referred to the committee on claims.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to the Port Jackson and Union Falls Plankroad association, in the towns of Peru and Schuyler Falls, in Clinton county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to alter the map or plan of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the appointment of inspectors of election and district canvassers, in the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to

amend an act entitled 'An act to incorporate the Firemen's Benevolent Association of Rochester,' passed April 18, 1837;" also to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed May 13, 1845," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act authorizing a grant of half an acre of land in lot fifty-one, Stirling, to the trustees of the Free Will Baptist church and their successors, in the town of Wolcott, Wayne county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act relative to the county treasurer of the county of Rensselaer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the county treasurer of the county of Monroe, to collect certain taxes therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the collection of taxes in the city of Rochester, in the county of Monroe," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to extend the time for the collection of taxes in the town of Catskill," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to provide for the payment to the county treasurer, of fines collected by courts of Special Sessions," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the petition of the boards of excise of Saratoga and Albany, for an amendment of the act for the relief of the New York State Inebriate Asylum, reported in favor of the passage of the following resolution: *Resolved*: That the prayer of the petitioners be denied; which report was agreed to.

Mr. Ketcham, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of fire insurance companies,' passed June 25, 1853," reported the same to the Senate, for its consideration, and said bill was committed to the committee of the whole.

Mr. Williams, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend section 5, chapter 174, laws of 1853, in relation to laying out private roads and discontinuing public highways."

"An act for the prevention of frauds in the transfer of stock, and for the protection of stockholders."

"An act in relation to the New York State Agricultural College."

"An act for the relief of the Utica Steam Woolen Mills, a corporation located in the city of Utica."

"An act to consolidate and amend the several acts relating to the village of Catskill."

Mr. Ramsey, from the committee on the erection and division of towns and counties, to which was referred the Assembly bill entitled "An act to annex part of the town of Italy, in Yates county, to the town of Naples, in Ontario county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. M. Murphy, from the committee on commerce and navigation, to which was referred the bill entitled "An act to confirm and legalize the resolution of the common council of the city of New York, providing for the extension of pier south side of Pier No. 1, North River," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the petition of the State Medical society, for the extension of vaccination, reported by bill entitled "An act to encourage and provide for a general vaccination in this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Abell gave notice that he would, at an early day, ask leave to introduce a bill to provide for the election of officers in the village of Perry.

Mr. Manierre gave notice that he would, at an early day, ask leave to introduce a bill to authorize the Commissary General to procure a complete set of camp equipage for the use of the 7th regiment National Guards.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to regulate the rate of milk freight on the New York and Erie railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act in relation to police and courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act to incorporate the Oswegatchie Fair Ground company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

A message from the Assembly was received, returning the following entitled bill :

"An act to incorporate Phoenix Hook and Ladder company No. 1, at Chateaugay Four Corners, Franklin county."

Ordered, That the Clerk deliver said bill to the Governor.

The bill entitled "An act in relation to the New York State Agricultural College," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	P. P. Murphy	Rotch
Connolly	Hillhouse	Manierre	Ramsey	Sessions
Ferry	Kelly	Munroe	Robertson	Spinola
Gardiner	Ketcham	J. M. Murphy		
				18

FOR THE NEGATIVE.

Abell	Montgomery	Truman	Warner	Williams
Fiero				
				6

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of the Utica Steam Woolen Mills, a corporation located in the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Rotch	Truman
Connolly	Hillhouse	Manierre	Sessions	Warner
Ferry	Kelly	Montgomery	Spinola	Williams
Fiero	Ketcham	Munroe		
				18

FOR THE NEGATIVE.

Abell	P. P. Murphy	Prosser	Ramsey	
				4

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Prosser moved to recommit the bill entitled "An act for the prevention of frauds in the transfer of stock, and for the protection of stockholders," to the committee of the whole, to retain its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend section 5, chapter 174, Laws of 1863, in relation to laying out private roads and discontinuing public highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Munroe	Ramsey
Colvin	Hillhouse	McGraw	J. M. Murphy	Rotch
Connolly	Kelly	Manierre	P. P. Murphy	Warner
Fiero	Ketcham	Montgomery	Prosser	Williams
Gardiner				

21

FOR THE NEGATIVE.

Abell Spinola

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to consolidate and amend the several acts relating to the village of Catskill," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Sessions
Bell	Goss	Lapham	J. M. Murphy	Truman
Colvin	Hammond	McGraw	P. P. Murphy	Warner
Connolly	Hillhouse	Manierre	Prosser	Williams
Ferry	Kelly	Montgomery		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Sessions moved to take from the table the motion to reconsider the vote on the bill entitled "An act to provide for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Sessions moved to recommit said bill to the committee on canals, with power to report complete.

The hour of 12 o'clock having arrived,

Mr. Sessions moved to postpone the executive session for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond moved to amend the motion of Mr. Sessions, so as to refer said bill to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell Colvin	Connolly Ferry	Hammond Kelly	McGraw Manierre	J. M. Murphy Truman	10
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FOR THE NEGATIVE.

Bell Fiero Gardiner	Goss Hillhouse Ketcham	Lapham Montgomery Munroe	P. P. Murphy Prosser	Sessions Warner	12
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The President then put the question whether the Senate would agree to said motion of Mr. Sessions, and it was decided in the affirmative.

Mr. Truman moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion, and the vote was as follows:

FOR THE AFFIRMATIVE.

Abell Colvin Connolly	Ferry Gardiner Hammond	Kelly McGraw	Manierre Ramsey	Spinola Truman	12
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FOR THE NEGATIVE.

Bell Fiero Goss	Hillhouse Ketcham Lapham	Montgomery Munroe	P. P. Murphy Prosser	Sessions Warner	12
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There being a tie, the President voted in the affirmative, and declared the motion carried.

The question recurring on the motion of Mr. Sessions,

Mr. Ferry moved to amend so as to prohibit the committee from striking out any matters relating to extension of the Chenango canal.

Mr. Lapham moved to amend so as to prohibit the committee from striking out any matters relating to the Champlain canal.

Mr. Spinola moved to lay the whole subject on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell Colvin Connolly	Ferry Gardiner Hammond	Kelly Lapham Lawrence	Manierre J. M. Murphy Ramsey	Spinola Truman	14
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FOR THE NEGATIVE.

Bell Fiero Goss	Hillhouse Ketcham McGraw	Montgomery Munroe	P. P. Murphy Prosser	Sessions Warner	12
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On motion of Mr. Warner,

Resolved, That the President be authorized to appoint two additional members to the committee on engrossed bills.

Mr. McGraw offered the following resolution:

Resolved, That on and after Tuesday next, the Senate will meet at ten o'clock A. M.

Mr. Lawrence moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Ketcham moved to reconsider the vote postponing executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ketcham moved that the Senate now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend section 1, chapter 701, of the Laws of 1857, relative to the improvement of Westchester creek," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to establish a nautical school in the harbor of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to the punishment of crimes, and concerning prisoners confined in State Prisons."

"An act in relation to preferred causes in the Supreme Court and Court of Appeals."

"An act to amend an act entitled 'An act respecting elections other than for militia and town officers, passed April 5, 1842.'"

After some time spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported in favor of the passage of the two first named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Montgomery, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Lawrence moved to reconsider the vote on agreeing to the report of the committee on claims, in reference to claim of Gurdon Conkling.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lawrence moved to recommit said report to the committee on claims.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, informing that they had concurred in the amendments of the Senate to the following entitled bill:

"An act to incorporate the Athenaeum Association in the city of New York."

Ordered, That the Clerk return said bill to the Assembly.

By unanimous consent, Mr. Spinola, from the committee on banks, to which was referred the bill entitled "An act to amend the act to incorporate the Savings Bank of Utica," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act to establish regulations for the port of New York, passed April 17, 1857, and the act amendatory thereof, passed April 15, 1858," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

On motion of Mr. P. P. Murphy, and by unanimous consent,
Resolved, That the committee on claims be discharged from the further consideration of the petition and papers referred to them relating to the claim of Turner, Ryan & Co.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act to repeal certain sections of the act entitled 'An act to enlarge the powers and define the duties of the Contracting Board,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to release the interest of the people of this State in certain real estate held by Gabriel Rumpler, which escheated, on his death to 'St. Mary's Church of the Redemptionists of Buffalo,' and to which the congregation of said church are equitably entitled," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act for the better regulation of the firemen in the city of New York,'" was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Manierre, and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	J. M. Murphy	Spinola
Connolly	Hammond	Lawrence	P. P. Murphy	Truman
Ferry	Hillhouse	Manierre	Prosser	Warner
Fiero	Ketcham	Montgomery	Robertson	Williams
Gardiner				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

"An act to authorize appeals from judgments rendered by the police justice of the village of Corning," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to prevent and punish prize fighting,' passed March 7, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Fiero, the Senate adjourned.

THURSDAY, MARCH 1, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Morrow.

The journal of yesterday was read and approved.

Mr. Goss presented a petition of citizens of New York city, in favor of the passage of the bill now before the Senate in relation to the metropolitan police, which was read and referred to the committee on the internal affairs of towns and counties.

Also, twenty-two petitions of citizens of Monroe county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. McGraw presented a remonstrance of citizens of Cortland county, against a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a petition of Clinton L. Colton, John W. Conley and Timothy Cook, for relief, which was read and referred to the committee on claims.

Mr. Rotch presented two petitions of inhabitants of Otsego and Delaware counties, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Prosser presented three petitions of citizens of Erie county, on same subject, which were read and referred to the same committee.

Mr. Ramsey presented two petitions of citizens of Schoharie county, on the same subject, which were read and referred to the same committee.

Also, a petition of citizens of Northampton, Fulton county, for an act authorizing a loan of money to build a bridge across the west branch of the Hudson river, which was read and committed to the committee of the whole.

Mr. Lawrence presented five remonstrances of citizens of Rockland county, against the passage of a pro rata freight law, which were read and referred to the select committee on that subject.

Also, a memorial of the meeting for sufferings, representing the New York yearly meeting of the religious society of Friends, upon the abolishment of capital punishment, which was read and referred to the committee on the judiciary.

Also, a remonstrance of 500 inhabitants of Queens county, against a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act concerning the Commissioners of Emigration and the Marine Hospital," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 16, article 4, section 93, of the Revised Statutes, in relation to the opening of highways," reported that the committee had had the same under consideration, have made some amendments thereto, and amended the title so as to read as follows: "An act to amend section 23, of chapter 454, of the laws of 1847, in relation to highway damages," and in favor of the passage of the same, as amended, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of this State to certain real estate held by Gabriel Rumplor, deceased, to St. Mary's Church of the Redemptorist, of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend 'An act to prevent and punish prize fighting,' passed March 7, 1859," reported in favor of the passage of the same and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize appeals from judgments rendered by the police justice of the village of Corning," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to the punishment of crime, and concerning prisoners confined in the State prisons."

"An act in relation to preferred causes in the Supreme Court and Court of Appeals."

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the New York State Medical Society for 1860, reported in favor of the adoption of the following resolution:

Resolved, That 1,000 extra copies of the annual report of the New York State Medical Society for 1860, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Montgomery, from the committee on public printing, to which was referred the resolution to print extra copies of the special message of His Excellency the Governor, in relation to State finances, reported in favor of the adoption of the following resolution :

Resolved, That there be printed for the use of the Senate, five times the usual number of the message of His Excellency the Governor, transmitted to the Senate February 28, 1860, in relation to the State finances.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills :

"An act authorizing the sale of lands devised by Samuel Norsworthy, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the board of Foreign Missions of the Reformed Protestant Dutch Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act in relation to the transportation of freight on the several railroads in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the select committee on that subject.

Mr. Fiero gave notice that he would, at an early day, ask leave to introduce a bill defining the duties of State Prison Inspectors.

Also, a bill for the relief of Wm. Powell and others.

By unanimous consent, Mr. Blood asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act authorizing the incorporation of Rural Cemetery association,' passed April 27, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to authorize the appointment of three Canal Appraisers in the several counties of this State, through which the several canals pass," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to provide for the payment of interest on the awards made by the Canal Appraisers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Widows' and Orphans' Fund of the Associate Presbyterian Church of North America,' passed June 8, 1853,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend the several acts in relation to State prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

The bill entitled "An act in relation to the punishment of crimes, and concerning prisoners confined in the State prisons," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Sessions
Bell	Hillhouse	Manierre	Prosser	Truman
Colvin	Ketcham	Montgomery	Ramsey	Warner
Connolly	Lapham	Munroe	Robertson	Williams
Fiero	Lawrence	J. M. Murphy	Rotch	

24

FOR THE NEGATIVE.

Richmond

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to preferred causes in the Supreme Court and Court of Appeals," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Ketcham	Montgomery	Ramsey	Sessions
Colvin	Lapham	J. M. Murphy	Richmond	Truman
Connolly	Lawrence	P. P. Murphy	Robertson	Warner
Fiero	McGraw	Prosser	Rotch	Williams
Goss				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Rotch.

Resolved, That the petition of Squire Whipple, relative to claim on account of patent bridge, be taken from the table.

Mr. Rotch moved that said petition be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Fiero offered the following resolution:

Resolved, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend chapter 398 of the Laws of 1854, entitled 'An act to provide for the enrollment of the militia and the organization of uniform corps, and the discipline of the military forces of this State,' passed April 17, 1854,"

and that the same be referred to the committee on militia and public defence.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative.

Mr P. P. Murphy offered the following resolution:

Resolved, That all applications from the city of New York, for railroads in that city, be referred to the Senators from the city of New York, with instructions to elaborate and report a bill whereby the benefits of the railroad franchises granted, may enure to the city and the people of the city instead of speculators.

Mr. Spinola moved to amend by striking out the words "Senators from the city of New York," and inserting in lieu thereof the words "committee of the whole."

Mr. McGraw moved to lay the resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Goss presented the following communication:

To the Senate of the State of New York:

The undersigned were appointed at a late session of the Legislative Prayer Meeting, held in the Court of Appeals, in the capitol, a committee to extend an invitation to some distinguished clergyman, to deliver a suitable discourse before the Executive, the State officers, and the Senate and Assembly of this State.

The Rev. John McClintock, D. D. LL. D., President of the Troy University, and recently elected Chaplain of the American Chapel at Paris, in France, has in the kindest manner accepted the invitation of the committee.

The sermon will be preached in the Hudson-street Methodist Episcopal Church, next Sunday morning, March 4th, at 10½ o'clock.

The members, officers and reporters of this body, are respectfully invited to attend.

With respect, etc.,

(Signed.)

ROBT. CAMPBELL, *Lieut. Governor*,

D. C. LITTLEJOHN, *Speaker*,

EPHRAIM GOSS, *Senator*,

JOHN WILEY, *Assemblyman*,

THOS. T. EVERETT, *Reporter*,

Committee on invitation.

Mr. Goss moved that the invitation be accepted, and that the Senate attend in the Senate chamber, on Sunday next at 10 A. M., for the purpose of attending said church in a body.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Prosser moved to take from the table the bill entitled "An act to provide for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President stated that the question pending was on the motion of Mr. Lapham, to prohibit the committee on canals from striking out appropriation for improving navigation of the Champlain canal.

Mr. Spinola moved that the Senate now go into committee of the whole on said bill.

The President put the question whether the Senate would agree to said motion of Mr. Spinola, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of the bill entitled as follows :

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Prosser moved that the further consideration of said bill be made the special order for to-morrow morning, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Goss moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Clerk was proceeding to call the general orders, and none being moved,

On motion of Mr. Fiero, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842."

Assembly bill, "An act to authorize the common council of the city of Troy to purchase and convey to the State of New York, a site for a regimental armory."

"An act to amend chap. 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises.'"

After some time spent thereon, the President resumed the chair, and Mr. Ketcham, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Ketcham, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Ketcham, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Colvin moved that said bill be made the special order for to-morrow evening, at 7 o'clock.

Mr. Ferry moved to amend by striking out "to-morrow evening, at 7 o'clock," and inserting in lieu thereof "Thursday next, at 11 o'clock."

The President put the question whether the Senate would agree to said motion of Mr. Ferry, and it was decided in the affirmative.

By unanimous consent, Mr. Ramsey, from the committee on the judiciary, to which was re-committed the bill entitled "An act to relieve the Tonawanda band of Seneca Indians from certain taxes on the Tonawanda Reservation, and to prevent intrusion thereon," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Spinola moved that the bill entitled "An act to extend the time of payment of certain assessments in the county of Kings," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ketcham moved that the bill entitled "An act to provide for the survey and settlement of the boundary line between the State of New York and Connecticut, and for the expenses thereof," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Manierre moved that the bill entitled "An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to extend the time of payment of certain assessments in the county of Kings."

Assembly bill, "An act for the appointment of commissioners to examine and report on the claim of John Gihon."

"An act to relieve the Tonawanda band of Seneca Indians from certain taxes on the Tonawanda reservation, and to prevent intrusion thereon."

"An act to provide for the survey and settlement of the boundary line between the States of New York and Connecticut, and for the expenses thereof."

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Spinola, from the same committee, reported in favor of the

passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Ramsey moved that the bill entitled "An act referring the claim of Jacob D. Kingsland," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Warner moved that the Assembly bill entitled "An act for the relief of Luther Wright," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same."

Assembly bill, "An act for the relief of Luther Wright."

"An act referring the claim of Jacob D. Kingsland."

After some time spent thereon, the President resumed the chair, and Mr. Gardiner, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Gardiner, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Gardiner, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Lawrence, the Senate adjourned.

FRIDAY, MARCH 2, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Morrow.

The journal of yesterday was read and approved.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act to amend section 7, of title 1, chapter 7, part 2 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the board of supervisors of the county of New York, to levy a tax for county purposes, and to regulate the

expenditure thereof, and also to borrow money in anticipation of the collection of said tax, and to issue 'county revenue bonds' therefor," which was read the first time, and by unanimous consent was also read the second time.

Mr. Robertson moved that said bill be referred to a select committee, consisting of the Senators from the city of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act to divide the town of Stuyvesant, in the county of Columbia, into two election districts," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Robertson
Bell	Fiero	Lapham	P. P. Murphy	Rotch
Blood	Goss	McGraw	Prosser	Warner
Colvin	Hillhouse	Montgomery	Ramsey	Williams
Connolly				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The President announced the special order, being the bill entitled "An act to provide for the completion of the canals of this State and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

Mr. Truman moved that said special order be postponed until fifteen minutes before 12 o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Williams presented two petitions of citizens of Cayuga county, asking for an act regulating tariff on transportation on railroads, and for a pro rata freight law; also two remonstrances of inhabitants of Lyons and Palmyra, Wayne county, against a pro rata freight law; also a petition of Alfred Mayer and 240 others, citizens of Wayne county, for a pro rata freight law, and tolls upon railroads competing with the canals; Also five petitions of citizens of Oswego county, for a law to prevent the giving of free passes, for imposing tolls on railroads competing with the canals, and for a pro rata freight law; which were read and referred to the select committee on that subject.

Mr. P. P. Murphy presented two petitions of citizens of Greene and Genesee counties on same subject, which were read and referred to the select committee on that subject.

Also, a memorial of trustees of the village of Lockport, against the repeal of the law of 1859, giving the right of appeal from the decision of the boards of supervisors in the equalization of assessments, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. McGraw presented a remonstrance of citizens of Cortland co., against pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Prosser presented two petitions of inhabitants of Erie county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Hillhouse presented a petition of citizens of Seneca county, for a law regulating freights on railroads, and for a toll bill, which was read and referred to the select committee on that subject.

Mr. Ferry presented three petitions of inhabitants of Oneida co., for a pro rata freight law; also a petition of W. D. Wood & Co., and other citizens of Oneida county, for a law to equalize the freight tariff, and for tolls upon railroads competing with canals; which were read and referred to the select committee on that subject.

Mr. Ketcham presented a petition of citizens of Dutchess county, for change of poor laws in said county, which was read and referred to the committee on poor laws.

Mr. Abell presented a petition of citizens of Livingston county, for the passage of a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Goss presented a petition of inhabitants of Verona, Oneida county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Montgomery presented a remonstrance of Dr. S. S. Blodgett and John Austin, against the passage of an act to incorporate the New York College of Dental Surgeons, which was read and committed to the committee of the whole.

Also, a remonstrance of 27 citizens of St. Lawrence county, against any interference with the freedom of trade and commerce on the railroads and canals of the State, and against the imposition of tolls on railroads, which was read and referred to the select committee on that subject.

Mr. Bell presented a petition of F. C. Cline and 46 other citizens of Jefferson county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to land under water in front of the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Connolly, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same."

"An act to provide for the survey and settlement of the boundary line between the States of New York and Connecticut, and for the expenses thereof."

"An act to relieve the Tonawanda band of Seneca Indians from certain taxes on the Tonawanda reservation and to prevent intrusions thereon."

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act in relation to police and courts in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act supplementary to an act entitled 'An act in relation to assessments in the city of Brooklyn,' passed April 9, 1859," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the petition of citizens of Owego, for an amendment of their village charter, reported by bill entitled "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 19, 1851," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the Watertown and Rome Railroad company.

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act defining the duties of State Prison Inspectors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act in relation to the engraving of bank notes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Abell asked and obtained leave to introduce a bill entitled "An act to provide for the election of officers in the village of Perry, Wyoming county, and confirm the official acts of the trustees of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act to authorize the city of Brooklyn to acquire the title to certain lands in the 13th ward of said city, for a public market, and for other purposes, and to widen and

alter the street leading thereto, and to provide means for the payment of the expenses attending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Gardiner presented a remonstrance against a public market in Brooklyn, which was read and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to provide for the erection of a new jail in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to authorize the establishing and running a ferry between the towns of Riverhead, Sag Harbor and Greenport, in Suffolk county, Long Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The bill entitled "An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	J. M. Murphy	Sessions
Bell	Goss	McGraw	P. P. Murphy	Spinola
Colvin	Hillhouse	Manierre	Ramsey	Truman
Connolly	Kelly	Montgomery	Robertson	Warner
Ferry	Ketcham	Munroe	Rotch	Williams
Fiero				

26

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the survey and settlement of the boundary line between the States of New York and Connecticut, and for the expenses thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Lawrence	P. P. Murphy	Rotch
Blood	Goss	McGraw	Prosser	Sessions
Colvin	Ketcham	Montgomery	Ramsey	Warner
Ferry	Lapham	Munroe	Robertson	

19

FOR THE NEGATIVE.

Kelly	Manierre	J. M. Murphy	Spinola	Williams
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5

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of Luther Wright," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Kelly	Manierre	P. P. Murphy	Rotch'
Connolly	Lapham	Montgomery	Prosser	Spinola
Fiero	Lawrence	Munroe	Ramsey	Truman
Goss	McGraw	J. M. Murphy	Robertson	Warner
Hillhouse				

23

FOR THE NEGATIVE.

Abell Williams

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The hour of fifteen minutes before 12 having arrived, the Senate resolved itself into a committee of the whole and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes.

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported progress on said bill and asked leave to sit again.

Mr. Truman moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and the vote was as follows :

FOR THE AFFIRMATIVE.

Colvin	Grant	McGraw	Prosser	Spinola
Connolly	Kelly	Manierre	Ramsey	Truman
Gardiner	Lawrence	J. M. Murphy	Rotch	Warner

15

FOR THE NEGATIVE.

Bell	Fiero	Ketcham	Munroe	Robertson
Blood	Goss	Lapham	P. P. Murphy	Sessions
Ferry	Hillhouse	Montgomery	Richmond	Williams

15

There being a tie, the President voted in the negative, and declared the motion lost.

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

Mr. Prosser moved that when the Senate adjourns it adjourn to meet this evening at 7 p. m., and that the said bill be made the special order at that time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President presented a communication from the Secretary of State, in reply to the resolution of the Senate in relation to the number of copies on hand of the pamphlet edition of the election laws of 1856, which was laid on the table and ordered printed.

(See Doc. No. 51.)

The President also presented the 35th annual report of the managers of the Society for the Reformation of Juvenile Delinquents, which was laid on the table and ordered printed.

(See Doc. No. .)

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the annual message of His Excellency the Governor.

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported progress, and asked and obtained leave to sit again.

Mr. Goss moved that the further consideration of said message be made the special order for to-morrow at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Prosser, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Spinola moved to make said bill the special order for Wednesday next at 11 o'clock A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide for the election of officers of the village of Pike, and for other purposes."

"An act for the prevention of frauds in the transfer of stock, and for the protection of stockholders."

Assembly bill, "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed April 13, 1837;" also to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed May 13, 1845."

After some time spent thereon, the President resumed the chair, and Mr. J. M. Murphy, from said committee, reported in favor of the passage of the first named bill, with amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. J. M. Murphy, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. J. M. Murphy, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York, into one act,' passed April 13, 1857."

"An act authorizing the Comptroller of this State to hold the Tonawanda Indian Reservation in trust for the Tonawanda band of Indians."

Assembly bill, "An act in relation to proceedings to compel the determination of claims to real property, in certain cases."

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Spinola, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Spinola, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the relief of Noone & Fitzgerald."

Assembly bill, "An act for the relief of William O. Hubbard."

"An act for the relief of Lewis Benedict for canal damages."

After some time spent thereon, the President resumed the chair, and Mr. Richmond, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Richmond, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the same committee, reported in favor of the passage of the last named bill without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy."

"An act to amend an act entitled 'An act to incorporate the Onondaga County Savings bank, in the city of Syracuse,' passed April 10, 1855."

Assembly bill, "An act to amend the charter of the Long Island Railroad company."

After some time spent thereon, the President resumed the chair, and Mr. Fiero, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Fiero, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Fiero, from the same committee, reported in favor of the passage of the last named bill, without amendment; which report was agreed to, and said bill ordered to a third reading.

Mr. Fiero moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

By unanimous consent, Mr. Ramsey, from the committee on the erection and division of towns and counties, to which was referred the Assembly bill entitled "An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the Dime Savings bank of Jamaica."

Assembly bill, "An act to amend an act entitled 'An act to authorize the Second Associate Congregation of Hebron, to dispose of church property' passed March 29, 1858."

"An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855."

After some time spent thereon, the President resumed the chair, and Mr. Ketcham, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ketcham, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

On motion of Mr. Lawrence, the Senate adjourned.

SATURDAY, MARCH 3, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Morrow.

The journal of yesterday was read and approved.

Mr. Blood presented four petitions of citizens of Northampton, Fulton county, for an act authorizing said town to borrow money to build a bridge at Park Tannery, which were read and committed to the committee of the whole.

Also, two petitions of Citizens' Corps of the village of Amsterdam, for an amendment of the militia law, which were read and referred to the committee on the militia.

Also, a remonstrance of inhabitants of Montgomery county, against passage of pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Ketcham, presented a petition of citizens of Dutchess county, for aid to the Providence, Hartford and Fiskkill railroad, which was read and referred to the committee on finance.

Mr. Hammond presented a petition of H. M. Stewart and others, for an amendment to the Revised Statutes in relation to "disorderly persons," which was read and referred to the committee on the judiciary.

Mr. J. M. Murphy presented a memorial of ship owners and others, of the city of New York, for reimbursement of moneys illegally collected by the State for capitation tax, which was read and referred to the committee on commerce and navigation.

Messrs. Bell, Warner, Truman, Prosser, Hammond and Abell, severally presented petitions, asking for the passage of a pro rata freight law, and imposing tolls on railroads, which was read and referred to the select committee on that subject.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act in relation to local assessments in the city of Brooklyn passed April 9, 1859."

"An act to provide for the election of officers in the village of Pike, and for other purposes."

"An act for the relief of Noone & Fitzgerald."

"An act to amend an act entitled 'An act to reduce the several acts relative to the district courts in the city of New York into one act,' passed April 13, 1859."

"An act to authorize the Comptroller of the State to hold the Tonawanda Reservation in trust for the Tonawanda band of Indians."

"An act for the relief of Lewis Benedict for canal damages."

"An act to amend an act entitled 'An act to incorporate the Onondaga County Savings bank, in the city of Syracuse,' passed April 10, 1855."

Mr. Hillhouse, from the committee on literature, to which was referred the petition of inhabitants of School district No. 1, town of Salina, for a free school in said district, reported by bill entitled "An act to constitute School district No. 1, in the town of Salina and county of Onondaga, a free school," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bell, from a majority of the committee on canals, to which was referred the Assembly bill entitled "An act to repeal certain sections of the act entitled 'An act to enlarge the powers and define the duties of the Contracting Board,'" reported in favor of the passage of he same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend the act authorizing the incorporation of rural cemetery associations, passed April 27, 1847," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to provide for the erection of a new jail in the county of Richmond," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, informing that they had concurred in the passage of the bill entitled "An act to amend an act entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847," with the following amendments:

Sec. 1, line 7, engrossed bill, after the word "pilot," first occurring, insert the words "or one of the crew of the vessel."

Line 8, same section, strike out the word "on" and insert in lieu thereof the word "or;" also, after word "except" in same line insert the word "barges;" also, in line eleven, after word "vessel," insert the words "in the channel of the East river, commonly called Hell Gate;" also, after the word "board" in same line, insert the word "he;" also, in line nine, same section, strike out the word "barges."

Mr. Robertson moved that the Senate concur in the amendments of the Assembly thereto.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Ramsey	Sessions
Bell	Grant	Lapham	Richmond	Truman
Ferry	Hammond	Montgomery	Robertson	Warner
Fiero	Hillhouse	Munroe		

18

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received and read, informing that they had concurred in the passage of the bill entitled "An act to erect a new town from the town of Catharine, in Schuyler county, to be called Montour," with the following amendment:

Sec. 2, line 5, engrossed bill, strike out the word "west" and insert in lieu thereof the word "east."

Mr. Warner moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Robertson
Bell	Goss	Ketcham	P. P. Murphy	Sessions
Blood	Grant	Lapham	Prosser	Truman
Ferry	Hammond	Montgomery	Richmond	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bills:

"An act for the construction, regulation, maintenance and government of the Central Park, in the city of New York, and to provide additional means therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to constitute the village of Argyle, in the county of Washington, a separate road district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act creating certain additional officers in the town of Southold, in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act authorizing and requiring school district number 5, in the town and county of Niagara, to raise money by tax for school purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend section 53 of the Code of Procedure, and to extend the jurisdiction of justices' courts, and to provide for proceedings therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the trustees of the First Society of the Methodist Episcopal Church, in the town of Freedom, in the county of Cattaraugus, and State of New York, to sell and dispose of their land," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to provide for the widening of Atlantic avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to confirm and make valid and effectual a certain ordinance of the common council of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confirm and make valid and effectual certain ordinances of the common council of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend the poor laws of the county of Herkimer,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

"An act to authorize the city of Brooklyn to establish public markets," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on the incorporation of cities and villages

"An act in relation to the fees of grand and petit jurors," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to consolidate districts number six and fifteen, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,' passed April 7, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend the charter of the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act requiring school district lines to be definitely described and recorded," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Watertown and Rome Railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed April 13, 1837;" also to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed May 13, 1845," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	P. P. Murphy	Sessions
Bell	Goss	Ketcham	Ramsey	Truman
Blood	Grant	Lapham	Robertson	Warner
Ferry	Hammond	Munroe		

18

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to authorize the common council of the city of Troy to purchase and convey to the State of New York, a site for a regimental armory," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	J. M. Murphy	Robertson
Bell	Grant	Lapham	P. P. Murphy	Sessions
Ferry	Hammond	Montgomery	Ramsey	Truman
Fiero	Hillhouse	Munroe	Richmond	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to provide for the election of officers of the village of Pike, and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	J. M. Murphy	Robertson
Bell	Goss	Ketcham	P. P. Murphy	Sessions
Blood	Grant	Lapham	Ramsey	Truman
Ferry	Hammond	Montgomery	Richmond	Warner

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Noone & Fitzgerald," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Hillhouse	Munroe	Robertson
Blood	Goss	Lapham	J. M. Murphy	Sessions
Ferry	Hammond	Montgomery	Ramsey	Warner

15

FOR THE NEGATIVE.

Abell	Ketcham	P. P. Murphy	Richmond	Truman
Grant				

6

Mr. Fiero moved to reconsider the vote on said bill, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Onondaga County Savings bank, in the city of Syracuse,' passed April 10, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	Montgomery	P. P. Murphy	Sessions
Ferry	Hillhouse	Munroe	Ramsey	Truman
Fiero	Ketcham	J. M. Murphy	Robertson	Warner
Goss	Lapham			

17

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York, into one act,' passed April 13, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Lapham	P. P. Murphy	Sessions
Blood	Hammond	Montgomery	Ramsey	Truman
Fiero	Hillhouse	Munroe	Robertson	Warner
Goss	Ketcham	J. M. Murphy		

18

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the Comptroller of this State to hold the Tonawanda Indian Reservation in trust for the Tonawanda band of Indians," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	J. M. Murphy	Robertson
Bell	Grant	Lapham	P. P. Murphy	Sessions
Ferry	Hammond	Montgomery	Ramsey	Truman
Fiero	Hillhouse	Munroe	Richmond	Warner

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of William O. Hubbard," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Munroe	Ramsey	Sessions
Blood	Hillhouse	J. M. Murphy	Richmond	Truman
Fiero	Lapham	P. P. Murphy	Robertson	Warner
Goss	Montgomery			

17

FOR THE NEGATIVE.

Abell	Grant	Ketcham
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3

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act for the relief of Lewis Benedict for canal damages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	J. M. Murphy	Robertson
Bell	Goss	Lapham	P. P. Murphy	Sessions
Blood	Hammond	Montgomery	Ramsey	Warner
Ferry	Hillhouse	Munroe	Richmond	

19

FOR THE NEGATIVE.

Grant	Truman	2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 12 o'clock having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the annual message of His Excellency the Governor.

After some time spent thereon, the President resumed the chair, and Mr. Fiero, from said committee, reported progress and asked and obtained leave to sit again.

Mr. P. P. Murphy moved that the further consideration of said message be made the special order for Tuesday next at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment :

"An act conferring additional powers and duties on Courts of Special Sessions, in Monroe county."

"An act conferring additional powers on boards of town auditors."

Ordered, That the Clerk deliver said bills to the Governor.

The President appointed as the two additional members of the committee on engrossed bills, under the resolution of the Senate, Messrs. Ketcham and Montgomery.

Mr. J. M. Murphy offered the following resolution :

Whereas, the Commissioners of the Central Park, having applied to the Legislature for the sum of 5,000,000 of dollars, for the laying out, regulation and government of the park, namely : two and a half millions for the laying out and two and a half millions for the care and government of the park, or the annual interest on that sum, being 150,000 dollars per annum, in addition to the sum of 2,000,000 of dollars heretofore appropriated by the Legislature for those purposes ; and the act of the Legislature, passed April 17, 1857, page 714, under which said commission was organized, having provided "that no plan for the laying out, regulation or government of said park shall be adopted or undertaken by the commission of which the entire expense, when funded, shall require for the paying of the annual interest thereon a greater sum than \$100,000 per annum," that is to say, a funded debt of \$1,666,666, which amount was increased by the act of April 15, 1859, page 857, to 2,000,000 of dollars, but with the like limitation ; therefore,

Resolved, The Commissioners of the Central Park are requested to report to the Senate, their answers to the following interrogatories:

1. What reason for having adopted and undertaken a plan for the park, the execution of which exceeds the limitation of the Legislature by the act of 1857?
2. What reasons for having persevered in undertaking the execution of the same plan after the passage of the act of 1859?
3. The names of the Commissioners voting in favor of the adoption of that plan?
4. The names of the Commissioners voting upon the questions of doing the work by contract or by day's work?
5. The items of the plan which the board has resolved to strike out or omit?
6. How much money has been expended below 79th street? How much below 96th street? How much below 106th street? And the number of acres in each section belonging to the park?
7. How much money is required to be expended in each section; stating the items of expenditure, and the cost of each; and which of the items are essential, and which of them are not essential?
8. How much money had been expended to 18th May, 1858, when the plan was adopted? How much to 1st January, 1859? How much to January 1st, 1860?
9. What amount has been paid for drain tile? and how much thereof has been laid down in each of the three sections of the park before mentioned?
10. What are the names of the persons who make purchases for the Central Park? Are the persons so employed connected with any firm in the city of New York, and if so what firm? And what is the amount annually thus expended?

Mr. Ramsey moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson offered the following resolution:

Resolved, That the Quarantine Commissioners be, and they are hereby directed to furnish to the Senate a copy of all the correspondence, and an account of the entire proceedings connected with the negotiations which have been instituted to obtain possession and jurisdiction of Sandy Hook, by said board of Commissioners, since the enactment of the statute for the removal of Quarantine, passed March 6, 1857.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Fiero offered the following resolution:

Resolved, That when the Senate adjourns it do adjourn until Monday next, at 7 o'clock P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood Colvin	Fiere Hammond	Ketcham Lapham	Ramsey	Sessions	8
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FOR THE NEGATIVE.

Abell Bell Gees	Grant Hillhouse	Montgomery J. M. Murphy	P. P. Murphy Robertson	Truman * Warner	11
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Mr. Robertson moved that the bill entitled "An act for ascertaining and collecting the damages caused by the destruction of the Marine Hospitals and other buildings and property at Quarantine," be made the special order for Tuesday next, immediately after the disposition of the special order on the Governor's message.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes relative to treasurers' bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes in relation to the powers of county judges in cases of appeal to Courts of Sessions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act authorizing a husband or his wife to be examined as a witness in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Ramsey moved that the Assembly bill entitled "An act to amend an act entitled 'An act allowing the continued use of copartnership names in certain cases,' passed April 17, 1854," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act allowing the continued use of copartnership names in certain cases,' passed April 17, 1854."

"An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river in said town."

"An act further to amend the act entitled 'An act to incorporate the Montgomery County Mutual Insurance company,' passed March 30, 1836."

After some time spent thereon, the President resumed the chair,

and Mr. Colvin, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Colvin, from the same committee, reported that they had gone through with the last named bill, and struck out the enacting clause, which report was agreed to, and said bill rejected.

By unanimous consent, Mr. Abell gave notice that he would, at an early day, ask leave to introduce a bill in relation to premium notes given to Mutual Insurance companies.

By unanimous consent, Mr. J. M. Murphy gave notice that he would, at an early day, ask leave to introduce a bill to alter the charter of the Homestead Fire Insurance company of New York.

On motion of Mr. J. M. Murphy, the Senate adjourned.

MONDAY, MARCH 5, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Palmer.

The journal of Saturday, was read and approved.

The President directed the Clerk to call the roll, when the following Senators answered to their names:

Abell	Hammond	Montgomery	Robertson	Truman
Bell	Hillhouse	P. P. Murphy	Sessions	Warner
Goss	Lapham			

12

No quorum being present,

On motion of Mr. Bell, the Senate took a recess until 7 o'clock this evening.

SEVEN O'CLOCK.

The Senate again met.

Messrs. Warner and Goss presented petitions in favor of a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Rotch presented a petition of "An association for the relief of respectable, aged, indigent females, in the city of New York," for an amendment of their charter, which was read and referred to the committee on charitable and religious societies.

Mr. Spinola presented a petition of tax-payers of Brooklyn, for an amendment to the present water act, which was read and committed to the committee of the whole.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to incorporate the Dime Savings bank of Jamaica."

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend section 1, chapter 701 of the laws of 1851, relative to the improvement of West-

chester creek," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the fees of grand and petit jurors," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes relative to treasurers' bonds," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to the powers of county judges in cases of appeal to Courts of Sessions," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 53 of the Code of Procedure, and to extend the jurisdiction of justices' courts, and to provide for proceedings therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Williams, from the committee on banks, to which was referred the petition of citizens of Corning, for a savings bank, to be located at Corning, reported by bill entitled "An act to incorporate the Corning Savings bank," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the petition of the Oneida County Medical society, for the passage of a law for the appointment of commissioners of lunacy, reported by bill entitled "An act to create the office of commissioners of lunacy and inspector of almshouses, poorhouses, county lunatic receptacles, asylums and jails, throughout the State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

A message from the Assembly was received, requesting the concurrence of the Senate to the following concurrent resolution :

Resolved, (if the Senate concur,) That the Secretary of State be directed to cause all of the laws of this State, relating to highways, bridges and ferries, to be collected and published in pamphlet form, with such notes and explanations as in his opinion are necessary for the understanding of the same; and that he cause 7,500 copies of the same to be printed, of which he shall distribute one copy to each county clerk, town clerk, clerk of the board of supervisors, and commissioners of highways, through the clerks of the several counties; and the remaining copies shall be held by him, subject to the direction of the Legislature."

Ordered, That said resolution be laid on the table.

Mr. Grant gave notice that he would, at an early day, ask leave

to move to suspend the following rules of the Senate, viz. 17, 26 and 24.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes in relation to cattle and other animals running at large," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act for the better support of the poor in the city of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on poor laws, with power to report complete.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to facilitate the enforcement of the excise law," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Montgomery,

Resolved, That the Comptroller be respectfully requested to report to the Senate, the amount paid out of the treasury for the publication of the State canvass for each of the following years, to wit: 1855, '56, '57, '58 and '59; and also the increased amount for the last mentioned year, by reason of chapter 252 of the laws of 1859, entitled "An act in relation to the publication of legal notices."

Mr. Hammond moved that the concurrent resolutions amending the Constitution in relation to the judiciary of this State, be made the special order on Friday next at 11 A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Spinola,

Resolved, That the President of the Senate be, and he is hereby authorized to appoint an additional page for the remainder of the session.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, March 5, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

Feb. 27. "An act releasing all the right, title and interest of the people of the State of New York, to and in certain lands situated in the twelfth ward of the city of New York, conveyed to Daniel Lord, of said city, counselor at law, upon sales, in certain actions of foreclosure, instituted by James Watt, jr."

28. "An act relating to the city of Rochester, and to amend the charter thereof."

March 1. "An act to amend an act entitled 'An act for the better regulation of the firemen in the city of New York.'"

1. "An act to provide for the rebuilding of the locks on the Oneida Lake canal."

1. "An act to authorize the common council of the city of Buffalo to apply certain moneys to the reconstruction of the iron bridge over Peacock slip in said city, and to provide for advertising in a German paper."

1. "An act to authorize the National Bank of Albany, to reduce its capital stock."

2. "An act to incorporate 'The Athenæum Association,' in the city of New York."

2. "An act to amend an act to provide for building and repairing bridges in the town of Greene, in the county of Chenango, and to defray the expenses thereof by taxation."

2. "An act to authorize the trustees of Columbia college, in the city of New York, to take and hold certain real estate."

2. "An act in relation to the compensation of the county treasurer of Albany."

2. "An act to incorporate Phoenix Hook and Ladder company No. 1, at Chateaugay Four Corners, Franklin county."

2. "An act for the preservation of fish in Hemlock lake and the outlet thereof, lying within the counties of Livingston and Ontario, and of Crooked lake lying within the counties of Steuben and Yates."

3. "An act to divide the town of Stuyvesant, in Columbia county, into two election districts."

3. "An act to erect a new town from the town of Catharine, in Schuyler county, to be called Montour."

3. "An act conferring additional powers and duties on Courts of Special Sessions in the county of Monroe."

3. "An act conferring additional powers on boards of town auditors."

E. D. MORGAN.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to organize a hook and ladder company in the town of Flatbush, Kings county."

"An act to amend an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereof, so far as they relate to the village of Corning, in the county of Steuben."

"An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859."

After some time spent thereon, the President resumed the chair, and Mr. Ramsey, from said committee, reported in favor of the pas-

sage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Ramsey, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly bill, "An act in relation to proceedings to compel the determination of claims to real property, in certain cases."

"An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy."

"An act relating to the sale and foreclosure of the New York and Erie railroad."

After some time spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Truman moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be re-committed to the committee on the judiciary, and retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Hammond moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be now ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	Lapham	Ramsey	Truman	
Bell	Hillhouse	Manierre	Richmond	Warner	
Goss	Ketcham	Montgomery			13

FOR THE NEGATIVE.

Connolly	Grant	Robertson	Rotch	Spinola	5
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Mr. Montgomery, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Lapham, the Senate adjourned.

TUESDAY, MARCH 6, 1860.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Truman presented a petition of sixty-one voters of Tioga co., for a personal liberty law, which was read and referred to the committee on the judiciary.

Mr. Manierre presented a remonstrance of Samuel Sloan and others, against widening Atlantic avenue, Brooklyn, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of Thos. Holcomb and others, in favor of railroads in the city of New York, at a fare not exceeding three cents, which was read and referred to the same committee.

Also, two memorials of citizens of New York, for establishment of a nautical school, which were read and referred to the committee on commerce and navigation.

Mr. Gardiner presented a petition of rector and vestrymen of St. Ann's church, Brooklyn, for power to sell their land in Fulton street, which was read and referred to the committee on charitable and religious societies.

Also, a remonstrance of James Fairman and others, against any alteration in Metropolitan Police act, which was read and referred to the committee on the internal affairs of towns and counties.

Also, two remonstrances of citizens of New York, against any special grants to city railroads, which were read and referred to the committee on the incorporation of cities and villages.

Also, a petition of American Female Guardian Society of the city of New York, for aid, which was read and referred to the committee on finance.

Mr. Hammond presented four petitions of inhabitants of Steuben county, for a pro rata freight law; also, four remonstrances on same subject; which were read and referred to the select committee on that subject.

Mr. Hillhouse, from the committee on literature, to which was recommitted the Assembly bill entitled "An act authorizing and requiring school district number 5, in the town and county of Niagara, to raise money by tax for school purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to consolidate districts number 6 and 15, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,' passed April 7, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the bill entitled "An act to amend the charter of the Watertown and Rome railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to provide for the in-

corporation of villages,' passed December 7th, 1847, and the several acts amendatory thereof, so far as they relate to the village of Corning, in the county of Steuben."

"An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy."

"An act to organize a hook and ladder company in the town of Flatbush, Kings county."

"An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859."

In pursuance of previous notice, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to provide for the payment of certain expenses of the commissioners appointed to drain the Great Binnewater swamp, in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Hillhouse asked and obtained leave to introduce a bill entitled "An act amending the charter of the village of Seneca Falls," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The order of third reading of bills having been announced.

Mr. Truman moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Fiero offered the following concurrent resolutions:

Resolved, (if the Assembly concur,) That we have witnessed with pleasure the efforts which have been made in Congress for the final settlement and payment of our revolutionary debt; we consider that our government is under the most solemn obligation to carry out the promises of the Continental Congress as contained in the resolutions of the 21st October, 1780, January 7th, 1781, and March 8th, 1785, by allowing the officers of the revolutionary army the half-pay for life to which they are entitled under those resolutions, for the payment of which the National faith is pledged; and all those Senators and Members who have taken an active interest in behalf of the officers of the Revolution, their widows and their children, are entitled to the thanks and gratitude of the country.

Resolved, That our Senators in Congress be instructed and our Members of the House of Representatives be requested to advocate and vote for a bill to provide for the final settlement and payment of the half-pay for life which was promised by the Continental Congress to the officers of the Revolutionary army, who should serve to the end of the war, or until the time of their reduction, deducting the value of the commutation certificates issued in their names, and the pay allowed them under the act of May 15, 1828, and that the amount due be paid to the officer if alive, and if dead to the heirs at law of such deceased officer; and that a suitable provision be made for the widows and children of those officers

who where killed in battle or died in the service; and that such bill conform to the principles and promises contained in the resolutions of October 21, 1780, January 7, 1781, and 8th of March 1785; and that the provisions of the bounty land act of March 3, 1855, allowing 160 acres of land, be extended to the surviving children of the soldiers of the Revolution.

Resolved, That our Senators from this State be instructed, and our members in Congress be requested to advocate and vote for a law declaring that all pensions for wounds received or disabilities incurred while in the line of duty in the military and naval service of the United States, during any of the wars in which our country has been engaged, instead of commencing from the completion of the proof, as is now practiced at the Department, shall commence at and from the date of the disability; and continue during life, or during disability; and in case of the death of such invalid, the arrears of pension due to him shall be paid to his widow, if alive; and if no widow, to his child or children; and if none, to his legal representatives for the benefit of the next of kin of such deceased invalid. The laws under which these men entered the service may well be said to have formed a contract between the government and the soldier, that if he should be injured or disabled while in the line of his duty in the public service, he should be pensioned according to the degree of his disability and to commence when his disability commenced; and we respectfully ask the adoption of this principle by Congress, as due upon every consideration of good faith, honor and justice to those brave men who fought our battles and shed their blood in defence of our country's rights and independence.

Ordered, That said resolutions be laid on the table.

Mr. Robertson moved to reconsider the vote concurring in the Assembly's amendments to the bill entitled "An act to amend an act entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved that the Senate non-concur in the following amendment: after the word "pilot" in the first section, insert "or one of the crew of the vessel."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson also moved that the Senate concur in the following amendments of the Assembly: after the word "description" in first section, strike out "on" and insert "or;" also, after the word "except" in same section, insert the word "barges;" also, after the word "vessel" where it occurs the 4th time in 1st section, insert the words "in the channel of the East river, commonly called Hell Gate;" also after the word "board" occurring the second time in same section, insert the word "he;" also, same section, strike out the word "barges" where it occurs in printed bill

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved further to amend by adding at the end of the first section the following words :

"But nothing in this act shall be construed to prevent one of the crew of a vessel from piloting said vessel through the aforesaid channel, nor impair or affect the 7th section of the act hereby amended.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to concur in said amendments of the Assembly, as amended by the Senate, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Munroe	Rotch
Connelly	Grant	Lapham	Ramsey	Sessions
Fiero	Hammond	Manierre	Richmond	Truman
Gardiner	Hillhouse	Montgomery	Robertson	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the first, and concurred in the remaining amendments, with a further amendment.

Mr. Gardiner moved to recommit the bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," to the committee on the incorporation of cities and villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Munroe offered the following resolution:

Resolved, That there be printed twenty extra copies of the report of the State Engineer and Surveyor on railroads, for the use of each Senator, officer, and reporter of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Munroe offered the following resolution:

Resolved, That there be printed for the use of the Senate 500 extra copies of the annual report of the Deaf and Dumb Asylum.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Lapham moved that the bill entitled "An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river in said town," be recommitted to the committee on roads and bridges, and retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Manierre moved that the bill entitled "An act to amend an act entitled 'An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes,'" be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Manierre moved that the bill entitled "An act to prevent frauds in the sale of tickets upon steamboats, steamships and other vessels," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Fiero moved that the bill entitled "An act to provide for completing the bridge across the Esopus creek, near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes.'"

"An act to provide for completing the bridge across the Esopus creek, near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster."

"An act to prevent frauds in the sale of tickets upon steamboats, steamships and other vessels."

After some time spent thereon, the President resumed the chair, and Mr. Lapham, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Lapham, from the same committee, reported in favor of the passage of the last named bill with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to incorporate the American Zoological and Botanical society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

Mr. Spinola moved to take from the table the order of third reading of bills.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend the charter of the Long Island Railroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Kelly	P. P. Murphy	Sessions
Bell	Grant	Lapham	Ramsey	Spinola
Connolly	Hammond	Montgomery	Richmond	Truman
Fiero	Hillhouse	Munroe	Botch	Warner

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to relieve the Tonawanda band of Seneca Indians from certain taxes on the Tonawanda Reservation, and to prevent intrusion thereon," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Ramsey	Sessions
Bell	Grant	Lawrence	Richmond	Spinola
Connolly	Hammond	Montgomery	Robertson	Truman
Fiero	Hillhouse	Munroe	Rotch	Warner
Gardiner	Kelly	P. P. Murphy		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to organize a hook and ladder company in the town of Flatbush, Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Richmond	Spinola
Bell	Goss	Lapham	Rotch	Truman
Blood	Hammond	Montgomery	Sessions	Warner
Fiero	Hillhouse	Munroe		

18

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Dime Savings bank of Jamaica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hammond	Munroe	Rotch
Bell	Gardiner	Hillhouse	P. P. Murphy	Sessions
Blood	Goss	Ketcham	Ramsey	Spinola
Colvin	Grant	Montgomery	Richmond	Truman
Connolly				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereof, so far as they relate to the village of Corning, in the county of Steuben," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Montgomery	Robertson
Bell	Gardiner	Ketcham	Munroe	Sessions
Blood	Goss	Lapham	P. P. Murphy	Truman
Colvin	Grant	Lawrence	Ramsey	Warner
Connolly	Hammond			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Fiero moved to take from the table the motion to reconsider the vote on the bill entitled "An act for the relief of Noone & Fitzgerald."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Hillhouse	Munroe	Robertson
Colvin	Goss	Lapham	P. P. Murphy	Sessions
Connolly	Hammond	Lawrence	Ramsey	Spinola
Fiero				

17

FOR THE NEGATIVE.

Grant	Ketcham	Richmond	Warner
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4

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Spinola moved to reconsider the vote recommitting the bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," to the committee on the incorporation of cities and villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the message of His Excellency the Governor.

After some time spent thereon, the President resumed the chair, and Mr. Fiero, from said committee, reported progress, and asked and obtained leave to sit again.

Mr. Ramsey moved that the further consideration of said special order be made the special order for next Monday evening, at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved that the special order, being the bill entitled "An act for ascertaining and collecting the damages caused by the destruction of the Marine Hospitals and other buildings and property at Quarantine," be postponed until Friday at 11 o'clock A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Spinola moved that the committee on the incorporation of cities and villages, to which was recommitted the bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," be instructed to report the same complete to the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, in the words following, to wit :

Resolved, That a respectful message be sent to the Hon. the Senate, asking the return to the House of Senate bill No. 45, entitled "An act to dissolve the Antwerp company, organized in 1854, for manufacturing lumber at Antwerp, Jefferson county, under the general law of 1848."

Mr. Bell moved that said bill be returned to the Assembly, in accordance with the request of that body.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to provide for a settlement with certain persons for the balance of money due them, and paid to the health commissioner of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

On motion of Mr. Ketcham, the Senate took a recess until seven o'clock.

SEVEN O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act to amend an act to incorporate the Port Richmond and Bergen Point Ferry company,' passed April 17, 1857."

"An act for the relief of the heirs of Asa Baxter."

"An act for the relief of Nelson Phillips."

After some time spent thereon, the President resumed the chair, and Mr. Bell, from said committee, reported in favor of the passage of the two first named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Bell, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Gardiner moved that the bill entitled "An act in relation to the collection, payment and application of certain assessments in the city of Brooklyn," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend the charter of the Hope Fire Insurance company, in the city of New York."

"An act to reduce the capital of the Farmers' Loan and Trust company."

"An act to extend the time of payment of certain assessments in the county of Kings."

After some time spent thereon, the President resumed the chair, and Mr. Blood, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Blood, from the same committee, reported that they had gone through with the third named bill, made amendments thereto, and had also amended the title so as to read as follows: "An act in relation to the collection, payment and application of certain assessments in the city of Brooklyn," and in favor of the passage of the same, as amended, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Truman moved that the bill entitled "An act to amend the several acts incorporating the village of Owego, in the county of Tioga," passed April 9, 1851," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act relating to the election of superintendents of the poor in the county of Kings."

"An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

"An act declaring a part of the inlet of the Owasco lake a public highway."

After some time spent thereon, the President resumed the chair, and Mr. Rotch, from said committee, reported in favor of the passage of the two first named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Rotch, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Spinola presented two remonstrances of citizens of Cayuga county, against tolling railroads, which were read and referred to the select committee on that subject.

By unanimous consent, Mr. Grant presented a petition of inhabitants of Cohecton, Sullivan county, for the preservation of deer in said town, which was read and referred to the committee on the internal affairs of towns and counties.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend article 2d, of title 3d, of chapter 6th, of the 2d part of the Revised Statutes."

"An act to amend section 37, article 2, title 4, chapter 2, of part 4 of the Revised Statutes, entitled 'Of indictments and proceeding thereon.'"

"An act relating to the foreclosure and sale of the New York and Erie railroad."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bill ordered engrossed for a third reading.

Mr. Warner, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad in 7th avenue, and other streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act for the more effectual cultivation of the arts and sciences, and for the promotion and encouragement of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to provide for the construction of railroads in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Blood asked and obtained leave to introduce a bill entitled "An act to enable the electors of the town of Johnstown, Fulton county, to vote by districts for town officers,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Prosser moved that the Assembly bill entitled "An act to release the interest of the people of this State in certain real estate held by Gabriel Rumpler, deceased, to 'St. Mary's Church of the Redemptorists of Buffalo,'" be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act referring the claim of Jacob D. Kingsland."

Assembly bill, "An act to authorize repairs on a bridge over the State drain in the town of Lysander."

Assembly bill, "An act to release the interest of the people of this State in certain real estate held by Gabriel Rumpler, deceased, to 'St. Mary's Church of the Redemptorist of Buffalo.'"

After some time spent thereon, the President resumed the chair, and Mr. McGraw, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. McGraw, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

On motion of Mr. Fiero, the Senate adjourned.

WEDNESDAY, MARCH 7, 1860.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Ketcham presented a petition of inhabitants of the town of Union Vale, for the better support of the poor in said town, which was read and referred to the committee on poor laws.

Mr. Blood presented a petition of citizens of Gloversville, for separate election districts in said town, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Connolly presented two petitions of citizens of New York, for extension of Madison avenue in that city, which were read and committed to the committee of the whole.

Mr. Gardiner presented a petition of Samuel S. Powell and others, for a proper sanitary system and health laws, which was read and referred to the committee on medical societies.

Mr. Grant presented a petition of members of the bar of Sullivan county, in favor of the proposed amendment to the Constitution in relation to the judiciary, which was read and laid on the table.

Mr. Robertson presented a remonstrance of inhabitants of White Plains, against incorporating said village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. McGraw presented a petition of Noah H. Osburn, Chas. Land and James H. Delavan, for relief, which was read and referred to the committee on claims.

Also, a petition of citizens of the town of Preble, to drain certain lands in said town, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a remonstrance of Henry S. Randall and others, against a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Robertson presented a petition of inhabitants of White Plains, for an incorporation of said village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Lawrence presented a remonstrance of citizens of Brooklyn, against widening of Atlantic avenue, and building public markets, which was read and referred to the committee on the incorporation of cities and villages.

Also, two petitions of inhabitants of Suffolk county, for a ferry between Sag Harbor and Greenport, which were read and referred to the committee on commerce and navigation.

Also, two petitions of tax-payers of Richmond county, for new jail in said county, which were read and committed to the committee of the whole.

Also, two remonstrances against pro rata freight law, which were read and referred to the select committee on that subject.

Messrs. Grant, Warner and Richmond, severally, presented petitions in favor of pro rata freight law, which were read and referred to the select committee on that subject.

Mr. J. M. Murphy presented a remonstrance from citizens of New York, against the passage of the personal liberty bill, which was referred to the committee on the judiciary.

Mr. Grant, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act for the incorporation of religious societies, and the several acts amendatory thereof," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the establishing and running of a ferry between the towns of Riverhead, Sag Harbor and Greenport, in Suffolk county, Long Island," reported that they had made sundry amendments thereto, and as amended, recommend its passage, and said bill was committed to the committee of the whole.

Mr. Rotch, from the committee on agriculture, to which was re-committed the bill entitled "An act to incorporate the Oswegatchie Fair Ground company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Fiero, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to provide for the payment of certain expenses of the commissioner appointed to drain the Great Binnewater swamp, in the county of Ulster," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ketcham, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend section 37, article 2, title 4, chapter 2, of part 4 of the Revised Statutes, entitled 'Of indictments and proceeding thereon.'"

"An act relating to the election of superintendents of the poor in the county of Kings."

"An act declaring a part of the inlet of the Owasco lake a public highway."

"An act for the relief of the heirs of Asa Baxter."

"An act to reduce the capital of the Farmers' Loan and Trust company."

"An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill :

"An act to define the boundaries of the 3d and 4th wards of the city of Schenectady, and to erect an additional ward," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present; as follows :

FOR THE AFFIRMATIVE.

Bell	Gardner	Ketcham	Ramsey	Spindle
Blood	Goss	Lapham	Richmond	Truman
Connolly	Hammond	Lawrence	Robertson	Warner
Ferry	Hillhouse	Montgomery	Rotch	Williams
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the construction of a railroad in 7th avenue, and other streets and avenues in the city of New York," reported the same for

consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the construction of a railroad in 7th avenue, and other streets of the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to provide for the construction of railroads in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to provide for the construction of a railroad through Avenues A and B, and in certain streets in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the construction of a railroad through a portion of the 7th avenue, and in certain other streets and avenues in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the construction of a railroad in the city of New York, from Weehawken ferry, foot of 42d street, North river, to Fulton ferry, at the foot of Fulton-st., on the East river, and with branches," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize James H. Wood and others, to construct a railroad in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the petition of citizens of New York, for the construction of a railroad in the 7th avenue and certain streets in said city, reported by bill entitled "An act to authorize the construction of a railroad in 7th avenue and in certain streets in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Spinola moved that the said several bills relating to railroads in the city of New York, be made the special order for this evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to authorize the inhabitants of the town of Hempstead, in the county of Queens, to elect five assessors for said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to provide for a police court in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act authorizing the completion of a ditch in the town of Manlius, Onondaga co., and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to prevent animals from running at large in the town of Flatbush, in the county of Kings,' passed March 20, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to provide for the publication of the acts of the Legislature, and election and other notices, in the several counties of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the village of White Plains," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to incorporate the American Zoological and Botanical society," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act amending the charter of the village of Seneca Falls," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to reduce the capital of the Farmers' Loan and Trust company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Ramsey	Sessions
Blood	Grant	Lawrence	Richmond	Spinola
Connolly	Hammond	Manierre	Robertson	Truman
Ferry	Hillhouse	Munroe	Rotch	Warner
Fiero	Ketcham			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of the heirs of Asa Baxter," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lawrence	Robertson	Spinola
Blood	Goss	Manierre	Rotch	Truman
Connolly	Hillhouse	Montgomery	Sessions	Warner
Ferry	Lapham	Munroe		

18

FOR THE NEGATIVE.

Grant	Ketcham	Richmond
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3

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act referring the claim of Jacob D. Kingsland."

"An act to provide for completing the bridge across the Esopus creek, near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster."

"An act to prevent frauds in the sale of tickets upon steamboats, steamships and other vessels."

"An act in relation to the collection, payment and application of certain assessments in the city of Brooklyn."

"An act to amend an act entitled 'An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes.'"

"An act to amend article 2d, of title 3d, of chapter 6th, of the 2d part of the Revised Statutes."

"An act for the relief of Nelson Phillips."

"An act to amend the charter of the Hope Fire Insurance company, in the city of New York."

"An act to amend an act entitled 'An act to amend an act to incorporate the Port Richmond and Bergen Point Ferry company,' passed April 17, 1859."

The bill entitled "An act in relation to the collection, payment and application of certain assessments in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative,

a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Hillhouse	Montgomery	Rotch	
Blood	Gardiner	Ketcham	Munroe	Sessions	
Connolly	Goss	Lapham	Robertson	Spinola	15

Mr. Gardiner moved to reconsider the vote on said bill, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	P. P. Murphy	Sessions	
Bell	Goss	Lawrence	Prosser	Truman	
Blood	Grant	Manierre	Richmond	Warner	
Ferry	Hammond	Montgomery	Robertson	Williams	
Fiero	Hillhouse	Munroe	Rotch		24

FOR THE NEGATIVE.

Connolly	Spinola	2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Fiero moved to recommit to the committee of the whole the bill entitled "An act to prevent frauds in the sale of tickets upon steamboats, steamships and other vessels."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Fiero moved that the bill entitled "An act to provide for completing the bridge across the Esopus creek, near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster," be amended by inserting after the word "dollars" in line six, engrossed bill, as follows: "with consent of a majority of voters at any regular or special town meeting."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Prosser	Spinola	
Blood	Grant	Lawrence	Richmond	Truman	
Colvin	Hillhouse	Montgomery	Rotch	Warner	
Fiero	Ketcham	Munroe	Sessions	Williams	20

FOR THE NEGATIVE.

Abell	P. P. Murphy	2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Nelson Phillips," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Montgomery	Robertson	Spinola
Bell	Hammond	Munroe	Rotch	Truman
Blood	Lapham	Prosser	Sessions	Warner
Colvin	Manierre	Richmond		

18

FOR THE NEGATIVE.

Goss Lawrence

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Port Richmond and Bergen Point Ferry company,' passed April 17, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Munroe	Robertson
Bell	Goss	Lawrence	P. P. Murphy	Rotch
Blood	Hammond	Manierre	Prosser	Truman
Colvin	Ketcham	Montgomery	Richmond	Warner
Ferry				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 11 o'clock having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

After some time spent thereon, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

Mr. Truman moved that the executive session be postponed for one hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported in favor of the passage of said bill, without amendment.

Mr. Bell renewed the motion made in committee of the whole, to amend by striking out all after the enacting clause, and inserting the following:

Sec. 1. There shall be imposed for each of the fiscal years commencing on the 1st day of October, 1860, and 1861, a tax each year of one-half of one mill upon each dollar of the valuation of the real and personal property taxable in this State, to be assessed, raised and collected upon and by the annual assessments and collection of taxes for the fiscal years in the manner prescribed by law; to be paid by the county treasurers, respectively, into the treasury of this State, to be there received, held and paid for the objects prescribed in this act.

§ 2. The whole of the tax levied and collected each year under the first section of this act, shall be paid into the treasury of this State to the credit of the Canal Fund, and shall be and is hereby appropriated as follows:

To the enlargement and completion of the Erie canal, and to furnish an additional and ample supply of water, previous to the 1st day of July next, upon the Rome level, sufficient to maintain at all times thereafter fully seven feet in depth, the sum of \$781,000.

To the enlargement and completion of the Oswego canal, the sum of \$194,119.

To the enlargement and completion of the Cayuga and Seneca canal, the sum of \$138,714.

To the completion of the extension of the Genesee Valley canal, the sum of \$28,475.

To the completion of the Genesee Valley canal, the sum of \$28,365.

To the completion of the Black River canal, the sum of \$75,619.

To the improvement of the Champlain canal and Glen's Falls feeder, in such manner as to give in its entire length a uniform depth of five feet of water, and a uniform width of thirty-five feet on the bottom, as nearly as it can be judiciously done, in the opinion of the Canal Board; and to rebuild the locks on said canal, as soon as the demands of navigation may require them to be rebuilt, and to stop the leaks in the Glen's Falls feeder, the sum of \$170,000.

§ 3. The enlargement of the Erie, the Oswego, and the Cayuga and Seneca canals, shall be so far completed in the spring of 1860, before they are opened for navigation, as to give the full depth of seven feet channel, and the full width of seventy feet to all the completed portions thereof; and upon all uncompleted portions the full depth of seven feet, and as much width as shall be necessary for loaded boats, drawing six feet of water, to pass each other without hindrance or delay, and seven feet depth of water

shall thereafter be steadily maintained upon all portions of said canals during the navigable season; and the said canals, and also the Genesee Valley and Black River canals, shall be entirely completed, and the construction accounts thereof fully ended and closed, before the first day of June, 1861, when the engineer corps shall be reduced to three divisions, or three resident engineers.

§ 4. The Canal Commissioners are authorized and required to cut out the bevels from the bottom of the locks on the Erie, the Oswego, and Cayuga and Seneca canals, whenever it shall be necessary, so as to give a uniform width of eighteen feet, as nearly as may be, upon the mitre sill. Also to raise such of the bridges over said canals as are not now twelve feet from the top of the water when the canal is full, to that height. The expenses incurred under this section, shall be paid out of the funds appropriated to the several canals by this act, and the work shall be done as soon as practicable.

§ 5. Any person or persons who shall draw water from any canal in this State, or from any of their feeders or reservoirs, during the navigable season of the canals, to the detriment or injury of the navigation thereof, without authority of law, shall be deemed guilty of a misdemeanor, punishable by imprisonment in the county jail not less than one year, and by fine not less than \$1,000, one-half of which shall belong to the complainant, and the other half to the Canal Fund; and every officer, agent, and employee of the State, and every contractor for canal repairs, and every person in his employ, and every and any other person having any charge or control over the canals of the State, or any part thereof, or of any lock, waste-weir, or other work belonging thereto, or over the water or navigation thereof, who shall directly or indirectly receive or agree to receive any money or other valuable thing, and every person who shall pay or deliver, or offer or promise to pay or deliver, directly or indirectly, to any such officer, agent, or employee of the State, or to any such contractor for canal repairs, or any person in the employ of such contractor, or to any other person having any charge or control over the canals of the State, or the locks, waste-weirs or works, or the water or the navigation thereof, as aforesaid, any money or other valuable thing, in consideration of, or as an inducement for drawing water from any canal, feeder or reservoir belonging to the State, to propel any machinery, or for any hydraulic or other purposes, or from one level to another in any canal, in order that such water may be so discharged, shall be deemed guilty of a misdemeanor; and on conviction thereof, shall be punished in the same manner, and to the same extent, as is heretofore provided in this section for like offences.

§ 6. The Comptroller is hereby authorized and required to make a temporary loan in anticipation of the collection of the tax ordered to be levied by the first section of this act, when and as required for the completion of the several canals as herein specified; and the moneys collected by the tax aforesaid, shall, when

paid into the treasury, be applied in the first instance to the payment of the temporary loans, which may be made in pursuance of the provisions of this section.

§ 7. The funds appropriated by this act to the enlargement of the Erie, the Oswego, and the Cayuga and Seneca canals, respectively, shall, in the first instance, to such extent as may be necessary and indispensable, be set apart and applied to pay for work done and materials furnished hereafter and previous to the opening of navigation in the spring of 1860, to accomplish the objects stated in the third and fourth sections of this act. And the residue of the appropriations to the said canals, respectively, shall be next set apart and applied, or so much thereof as may be necessary, subject to the limitations and restrictions hereinafter named, to the construction of new lock gates, of such kind as the Canal Board shall approve, and to pay the expense of putting the same into one tier of locks between Albany and Buffalo, and into all the locks upon the Oswego, and the Cayuga and Seneca canals, in such manner as to give the greatest length of chambers practicable within the present side walls of the present locks, so as to admit the passage of boats about 140 feet in length; but no such modification shall be made, or contracted to be made, until the first day of July, 1860, nor until an opportunity has been afforded to test the practicability, safety, and efficiency for thirty days, of any lock or locks which the Canal Board may have prepared, or permitted to be prepared, for that purpose. Then, if it shall appear that such extension is advisable, the work shall be forthwith let, in manner now provided by law, to be commenced upon the opening of navigation in the spring of 1861, provided the means set apart for this purpose shall be sufficient to pay for the same, including the expense necessary to make one tier of locks at Lockport, as shall make them conform in length of chamber with the other locks to be lengthened as aforesaid, provided also that the increased capacity of the locks, thus attainable, shall be as much as one-third.

§ 8. This act shall take effect immediately.

The President put the question whether the Senate would agree to said motion of Mr. Bell, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hillhouse	Montgomery	Prosser	Sessions	
Blood	Ketcham	Munroe	Richmond	Warner	
Goss	Lapham	P. P. Murphy	Robertson	Williams	15

FOR THE NEGATIVE.

Abell	Fiero	Kelly	Manierre	Rotch	
Colvin	Gardiner	Lawrence	J. M. Murphy	Spinola	
Connolly	Grant	McGraw	Ramsey	Truman	
Ferry	Hammond				17

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

Mr. Spinola moved that the final vote be taken on said bill, on Friday next at 12 o'clock, noon, without delay or debate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved to take from the table the motion to reconsider the vote on the bill entitled "An act in relation to the collection, payment and application of certain assessments in the city of Brooklyn."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lawrence	P. P. Murphy	Rotch
Blood	Hammond	McGraw	Prosser	Sessions
Colvin	Hillhouse	Montgomery	Ramsey	Spinola
Connolly	Ketcham	Munroe	Richmond	Truman
Fiero	Lapham	J. M. Murphy	Robertson	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ramsey moved to reconsider the vote on the Assembly bill entitled "An act to define the boundaries of the 3d and 4th wards of the city of Schenectady, and to erect an additional ward," and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the State Engineer and Surveyor, on railroads, reported in favor of the adoption of the following resolution :

Resolved, That there be printed fifteen extra copies of the report of the State Engineer and Surveyor on railroads, for the use of each Senator, officer, and reporter of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Deaf and Dumb Asylum, reported in favor of the adoption of the following resolution :

Resolved, That there be printed for the use of the Senate 500 extra copies of the annual report of the Deaf and Dumb Asylum.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

The bill entitled "An act to amend the charter of the Hope Fire Insurance company, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood	Hillhouse	McGraw	J. M. Murphy	Rotch
Connolly	Ketcham	Manierre	Ramsey	Sessions
Fiero	Lapham	Montgomery	Richmond	Truman
Hammond	Lawrence	Munroe	Robertson	19

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend article 2d, of title 3d, of chapter 6th, of the 2d part of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Colvin	Hammond	Lawrence	J. M. Murphy	Richmond
Connolly	Hillhouse	McGraw	P. P. Murphy	Robertson
Fiero	Ketcham	Montgomery	Prosser	Rotch
Goss	Lapham	Munroe	Ramsey	Sessions
Grant				21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act referring the claim of Jacob D. Kingsland," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Manierre	Ramsey
Blood	Goss	Lapham	Montgomery	Richmond
Colvin	Hammond	Lawrence	Munroe	Rotch
Colvin	Hillhouse	McGraw	Prosser	Sessions
Fiero				21

FOR THE NEGATIVE.

Grant	J. M. Murphy	P. P. Murphy	Truman	4
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Truman moved to amend the bill entitled "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851," by inserting the words "liable to pay taxes for said object thereof," in the second section.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood
Colvin
Fiero
Gardiner

Goss
Grant
Hammond
Ketcham

Lawrence
McGraw
Montgomery
J. M. Murphy

P. P. Murphy
Prosser
Ramsey

Richmond
Robertson
Truman

18

FOR THE NEGATIVE.

Connolly

Lapham

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

STATE OF NEW YORK:
EXECUTIVE DEPARTMENT,
ALBANY, March 7, 1860. }

To the Senate:—I herewith return without my approval the bill entitled "An act extending the time for the collection of taxes in the several counties of this State."

Two similar bills were presented to me last year, one of them exclusively local in its character and the other a general one, applying to the entire State. The former I returned without my approval, and in so doing, said:

"The reasons which induce me to withhold my signature from this bill, are indicated in the following passage from my annual message to the Legislature, to wit:

'It has been, for several years, the custom for certain counties to make application to the Legislature to extend the time for the collection of taxes, which applications have usually been granted. Being only partial, the operation is necessarily unequal, and ought to be discouraged and discontinued.'

"If there really exists any intrinsic difficulty in collecting the taxes within the time now prescribed by law, a general act enlarging the time should be passed, and an end be put to local and special legislation of this nature. I am not prepared to say that reasons do not exist for such a change. The time was, however, extended for a month throughout the State, except in a few cities, by a general law passed in 1857, and still in force, and strong reasons should exist to lead to another change so soon.

"Should such a change, however, be made, the law should contain a stringent clause, forbidding the use of the moneys collected by the officers, and should provide for the more speedy payment of taxes into the treasury of the State.

"I feel confident, however, that the difficulty in collecting taxes is, in very many cases, rather accidental than necessary. Experience has shown that applications for extension of time nearly always have their origin in the neglect of duty on the part of some of the officers charged with the imposition or the collection of the taxes, or in an indisposition, rather than an inability, to pay within the time required.

"I can perceive no reason why officers should be encouraged in such neglect, by the intervention of the Legislature. They should

rather be left to answer to the people, from whom they directly derive their powers. Under any circumstances, it is my deliberate intention, so far as is properly within my province, to hold every officer of every nature to a strict and careful compliance with the Constitution and the laws, without regard to the practice which may have hitherto prevailed, or to the temporary inconvenience which such a course may, perhaps at first, cause to individuals. I am fully satisfied that only by this course can regularity and economy be restored and maintained in our system of government.

"The indisposition to pay taxes within the time required by law, does not extend to the great mass of the community. Men in moderate circumstances do not, as a general thing, ask for, or avail themselves of delay. They know when the taxes are due, and are prepared to pay them punctually. But those in more prosperous circumstances, who can, if it becomes necessary, pay at any time, frequently neglect or postpone payment to the last moment, and it is for their benefit, or for that of some town or county officer, that these applications are generally made, in those cases in which they are not caused by the neglect of duty already referred to."

The second bill I approved, accompanying the announcement of that fact with the following statement of reasons:

"I have this day also approved the bill entitled 'An act to extend the time for the collection of taxes.' Although this is a general bill, extending the time equally throughout the State, I have signed it with great reluctance, and only for the reason that many of the assessors, supervisors and collectors seem to have presumed that an extension of time for collecting the taxes would be granted, as a matter of course, and have therefore allowed the legal time to expire without doing so. There cannot be the same excuse hereafter, and it is my intention to refuse my assent to any bill of similar purport that may be presented to me next year."

The bill now returned was introduced into the Senate on the 25th ultimo, passed through all its stages on that day, sent to the Assembly the same day and there at once passed. It has not been printed, and in neither house was it referred to any standing committee or considered in committee of the whole. Indeed, it was presented for my signature within four hours after its first introduction into the Senate. It bears upon its face the proofs of the haste with which it was drawn and passed, and, unlike all laws of a similar purport which have been enacted for many years, it does not require the collectors of taxes to pay over to the county treasurers the sums already collected by them, nor are they obliged to renew their bonds. It leaves all the money heretofore collected, which constitutes a very large proportion of the entire taxes, in the hands of the collectors to be used by them, if they choose, for their own purposes and emolument, without requiring any security for its final payment.

These objections might be remedied in another bill. But there are, as already intimated, grave objections to any bill of this nature.

The law now requires the assessors to deliver the completed rolls to the supervisors on the first of September, and they in turn must deliver the rolls to the collectors as early as the 15th day of December. The latter then have till the first day of March to make their collections, and pay over to the county treasurers. They in turn, are required to pay the amount of the State tax to the State Treasurer, or to deposit it in bank subject to his draft immediately, but through a defect in the law, there is no effectual means of enforcing this requirement till the first of June.

The complaint that the taxes cannot be collected within the time allowed by law would therefore seem to be unfounded. Three and a half months are surely time enough for the supervisors to perform their duties, and ten weeks should be sufficient to enable the collectors to perform theirs. But the supervisors frequently neglect their duty in this respect, while it is the direct interest of the collectors to retain the money in their hands as long as possible, and to seek to have the time extended. In my opinion if the servants of the people would punctually perform the duties they have sworn to perform, there would be no demand for an extension.

There is however, in my opinion, another and conclusive objection to this bill and to all bills of a similar character, and that is that the supervisor of each town or ward has now the power to grant thirty days' indulgence wherever there is good cause for so doing. The law of 1823, (chapter 262, section 27,) provides expressly "if any person chosen or appointed to the office of collector of any town or ward in this State shall refuse to serve or shall die, resign or remove out of the town or ward before he shall have entered upon or completed the duties of his said office or *shall be disabled from completing the same by reason of sickness or any other cause*, the supervisor and any two justices of such town or ward shall forthwith appoint a collector for the remainder of the year, who shall * * * * have the same powers and compensation as the collector in whose place he was appointed; and the supervisor shall forthwith give notice of such appointment to the county treasurer." The succeeding section declares "and upon every such appointment the *supervisor of the town or ward, if he shall think it necessary, may extend the time limited for the collection of taxes for a period not exceeding thirty days*; of which extension he shall forthwith give notice to the county treasurer."

This law, therefore, affords all the relief needed. Time can be granted in the few localities where the public really require it, while the larger proportion of the taxes, amounting probably to nine-tenths of the whole, will be promptly paid over by the collectors.

E. D. MORGAN.

The President put the question "Shall this bill become a law notwithstanding the objections of the Governor?" and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Blood Colvin	Grant Lawrence	Munroe Robertson	Spinola	Truman	8
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FOR THE NEGATIVE.

Abell	Hammond	McGraw	Prosser	Sessions	19
Bell	Hillhouse	Manierre	Ramsey	Warner	
Fiero	Ketcham	Montgomery	Richmond	Williams	
Goss	Lapham	P. P. Murphy	Rotch		

By unanimous consent, Mr. Sessions, from a majority of the select committee, to which was recommitted the bill entitled "An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, the Oswego and Syracuse railroad, and the Rome and Watertown railroad," reported that they had made sundry amendments thereto, and had also amended the title so as to read as follows: "An act to levy and collect tolls on freight transported over certain railroads in this State, and fare, and to provide means for paying the interest and principal of the State debt," and as amended, recommend its passage.

Ma. Sessions moved that the report of the committee lie on the table, and that the bill be printed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Connolly, as one of said committee, reported in writing, as follows:

The undersigned declines to concur in the conclusions of his colleagues on the committee, in their recommendation of the bill now introduced. I am not convinced of the existence of any such state of things, as to justify the policy of an extraordinary imposition of burthen on any branch of business, and the transportation of passengers and of freight is to be considered only as one of the business pursuits of the citizen. It is a special tax in a form, for which there may exist the power, but not the right. The constituency of my district stand ready to meet their fair proportion of a general and equal taxation, enough for the honest and prompt payment of the honest debts of the State, and leaving to the citizens the undisturbed pursuit of their industry. Such policy has always been sanctioned by the people, and because I believe it always will be, I cannot join with my respected colleagues in the committee.

RICHARD B. CONNOLLY.

The Senate then went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

On motion of Mr. Ramsey,

Resolved, That the Attorney General be requested to furnish the Senate with his opinion upon the following points, to wit:

1. As to the right of the Legislature to declare a stream, which is not navigable for boats or other water craft, but is the property of individuals, a public highway for the purpose of floating "rafts and logs."

2. As to extent of the right or privilege granted to the public by section 4, of chapter 406 of the laws of 1849, entitled "An act to improve the upper waters of the Hudson river."

3. As to the liability of the State for damages resulting from the destruction of a mill dam across the west branch of Hudson river, (which was built in 1826, before the stream was declared "navigable for logs and rafts,") the destruction of which was caused by floating rafts and logs over the same, under the license, and authority granted by said statute of 1849.

On motion of Mr. Ramsey, and by unanimous consent,

The Assembly bill entitled "An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes," was recommitted to the committee on the erection and division of towns and counties, to retain its place on general orders.

On motion of Mr. McGraw, and by unanimous consent,

Resolved, That the Attorney General be requested to report to the Senate his opinions as to the liability of the State to pay damages to individuals whose property, in land or buildings, has been injured or reduced in value in consequence of raising the grade of embankments leading to the new bridges of the enlarged canal, and whether the canal officers have jurisdiction in such cases to award damages where such damages are sustained.

By unanimous consent, Mr. J. M. Murphy gave notice that he would, at an early day, ask leave to introduce a bill to relieve St. John's College, at Fordham, from taxation.

Also, a bill to provide for the election of fire bell ringers in the city of New York, by the members of the fire department.

On motion of Mr. Fiero, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the several bills relating to the construction of railroads in the city of New York.

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported that the committee had had under consideration the bill entitled "An act to authorize the construction of a railroad in 7th avenue, and other streets and avenues in the city of New York," have made some progress thereon, and ask leave to sit again.

Mr. Spinola moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading, and that the vote on its final passage be taken to-morrow at 11½ o'clock, without amendment or debate.

Mr. P. P. Murphy called for a division of the question.

The President put the question whether the Senate would agree to so much of said motion as relates to discharging the committee of

the whole and ordering said bill to a third reading, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Kelly	McGraw	Robertson	Spinola
Fiero	Ketcham	Munroe	Rotch	Truman
Grant	Lapham	Ramsey	Sessions	Warner
Hammond	Lawrence	Richmond		

18

FOR THE NEGATIVE.

Bell	Ferry	Hillhouse	Montgomery	P. P. Murphy
Colvin	Gardiner	Manierre	J. M. Murphy	Prosser
Connolly	Goss			

12

Mr. P. P. Murphy moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Ferry	Goss	Manierre	P. P. Murphy
Connolly	Gardiner	McGraw	Montgomery	Prosser

10

FOR THE NEGATIVE.

Blood	Hammond	Lapham	Ramsey	Sessions
Colvin	Hillhouse	Lawrence	Richmond	Spinola
Fiero	Kelly	Munroe	Robertson	Truman
Grant	Ketcham	J. M. Murphy	Rotch	Warner

20

The President put the question whether the Senate would agree to so much as relates to taking final vote on said bill, to-morrow at 11½ o'clock, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Kelly	McGraw	Richmond	Spinola
Fiero	Ketcham	Munroe	Robertson	Truman
Grant	Lapham	J. M. Murphy	Rotch	Warner
Hammond	Lawrence	Ramsey	Sessions	

19

FOR THE NEGATIVE.

Bell	Ferry	Goss	Manierre	P. P. Murphy
Colvin	Gardiner	Hillhouse	Montgomery	Prosser
Connolly				

11

The President then put the question whether the Senate would agree to so much as relates to amendment or debate, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Hammond	Lapham	Ramsey	Sessions
Colvin	Kelly	Lawrence	Richmond	Spinola
Fiero	Ketcham	Munroe	Rotch	Warner
Grant				

16

FOR THE NEGATIVE.

Bell	Gardiner	Manierre	P. P. Murphy	Robertson
Connolly	Goss	Montgomery	Prosser	Truman
Ferry	Hillhouse	J. M. Murphy		

13

On motion of Mr. Spinola, the Senate adjourned.

THURSDAY, MARCH 8, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rawson.

The journal of yesterday was read and approved.

Mr. Rotch presented a remonstrance of citizens of Herkimer co., against restoring distinction between town and county poor, which was read and referred to the committee on poor laws.

Mr. Richmond presented a remonstrance of voters of Troy, against imposing tolls upon railroads, and pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Manierre presented a petition of citizens of New York, for a pro rata freight law, which was read and referred to the select committee on that subject.

Also, a remonstrance of J. J. Roosevelt and others, against special grants for city railroads, which was read and laid on the table.

Mr. Ferry presented a petition of inhabitants of Oneida county, for a pro rata freight law, and tolls on railroads, which was read and referred to the select committee on that subject.

Mr. Grant presented three petitions of citizens of Orange county, for fixed rate of milk freight on the New York and Erie railroad, which were read and referred to the committee on railroads.

Mr. Fiero presented a petition of citizens of New York, Brooklyn and Orange county, on same subject, which was read and referred to the committee on railroads.

Mr. P. P. Murphy presented a remonstrance against constituting the village of Middleport a separate road district, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Blood presented two remonstrances of citizens of Schenectady, against tolls on railroads, and pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Gardiner presented a petition of citizens of Brooklyn, for market in eastern district of that city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to provide for the election of officers of the village of Perry, Wyoming county, and to confirm the official acts of the trustees of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to provide for a police court in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An

act to constitute the village of Argyle, in the county of Washington, a separate road district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from a majority of the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend the revised Statutes in relation to cattle and other animals running at large," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act creating certain additional officers in the town of Southold, in the county of Suffolk," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of A. S. Delano and others, for relief, reported by bill entitled "An act authorizing the appraisal and payment of damages to Avery S. Delano, James Sleeper and Harvey D. Spalding, caused by a break in the Erie canal, in the town of Royalton, Niagara co.," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to establish a nautical school in the harbor of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the bill entitled "An act to regulate the rate of milk freight on the New York and Erie railroad," reported adversely thereto, and in favor of the adoption of the following resolution: *Resolved*, That said bill ought not to pass; which report was agreed to, and said bill rejected.

A message from the Assembly was received and read, requesting the concurrence of the Senate to the following entitled bill:

"An act authorizing the repairing and maintaining a breakwater along the shore of Lake Erie, within the bounds of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for a State board of claims, and to prescribe the powers and duties thereof," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to prevent frauds in the sale of goods and personal property at auctions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Grant asked and obtained leave to introduce a bill entitled "An act to provide for the election of town officers, and in relation to auditing town charges," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act for the protection of boarding house keepers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the following entitled bill:

"An act for the relief of Luther Wright."

Ordered, That the Clerk return said bill to the Assembly.

The bill entitled "An act relating to the election of superintendents of the poor in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	P. P. Murphy	Sessions
Bell	Fiero	Hillhouse	Prosser	Spinola
Blood	Gardiner	Lapham	Ramsey	Truman
Colvin	Goss	Manierre	Robertson	Warner
Connolly	Grant	Montgomery	Rotch	Williams

25

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Ramsey moved that the Assembly bill entitled "An act to define the boundaries of the 3d and 4th wards of the city of Schenectady, and to erect an additional ward," be taken from the table and returned to the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act declaring a part of the inlet of the Owasco lake a public highway," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Prosser	Sessions
Bell	Goss	Lawrence	Ramsey	Spinola
Blood	Grant	Manierre	Richmond	Truman
Colvin	Hammond	Montgomery	Robertson	Warner
Ferry	Hillhouse	P. P. Murphy	Rotch	Williams
Fiero	Ketcham			

27

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy," having been announced.

By unanimous consent, Mr. Spinola moved to recommit said bill to the committee on charitable and religious societies, with instructions to amend by striking out of the second section the words "members residing within ten miles of the place of such meeting, unless their attendance is prevented by illness, nor."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Grant	Ketcham	Richmond	Spinola
Colvin	Hillhouse	Prosser	Robertson	Truman

10

FOR THE NEGATIVE.

Abell	Goss	Lawrence	Munroe	Sessions
Connolly	Hammond	McGraw	P. P. Murphy	Warner
Ferry	Lapham	Montgomery	Rotch	Williams

15

The Clerk was proceeding to read said bill, when

Mr. Prosser moved to the committee on charitable and religious societies, with instructions to amend the second section, so that it shall read as follows: "The right to vote by proxy, given by the preceding section, shall not belong to infants."

The President put the question whether the Senate would agree to said motion, it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Hillhouse	J. M. Murphy	Richmond
Connolly	Grant	Lawrence	Prosser	Spinola

10

FOR THE NEGATIVE.

Abell	Goss	McGraw	P. P. Murphy	Truman
Colvin	Hammond	Manierre	Rotch	Warner
Ferry	Lapham	Montgomery	Sessions	Williams

16

The Clerk was again proceeding to read the bill, when

Mr. Spinola moved to recommit, with instructions to strike out the word "scientific," in the first section of said bill.

Pending the question on said motion,

The hour of 11 o'clock having arrived, the President announced the special order, being the bill entitled as follows:

"An act to amend chap. 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises.'"

Mr. Goss moved that said special order be postponed for fifteen minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported progress, and asked and obtained leave to sit again.

Mr. Spinola moved that said bill be made the special order for 12 o'clock, noon, to day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to authorize the construction of a railroad in 7th avenue, and other streets and avenues in the city of New York."

By unanimous consent, Mr. Spinola, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act to prevent animals from running at large in the town of Flatbush, in the county of Kings,' passed March 20, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The hour of 11½ o'clock having arrived, the President announced the special order, being the third reading of the bill entitled as follows:

"An act to authorize the construction of a railroad in 7th avenue, and other streets and avenues in the city of New York."

Mr. Connolly moved to recommit said bill to the committee on the incorporation of cities and villages, with instructions to amend by inserting the following additional section:

Sec. 4. That the corporators of this bill, or their assigns, are hereby directed to make arrangements with the owners and corporators of all omnibus lines, running through any of the streets and avenues named in this bill, for the purchase of the omnibuses, horses and other appurtenances used by them, in operating said lines, or for indemnity to such owners and corporators for the loss or injury which will be sustained by the operation of said railroad.

The President decided the motion to recommit with instructions to amend, not in order, the Senate having ordered the third reading of said bill without "amendment or debate."

Mr. Connolly then moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Manierre	P. P. Murphy	Rotch	15
Bell	Ferry	Montgomery	Prosser	Traman	
Colvin	Gardiner	Munroe	Ramsey	Williams	

FOR THE NEGATIVE.

Blood	Hammond	Lapham	J. M. Murphy	Sessions
Fiero	Hillhouse	Lawrence	Richmond	Spinola

Goss	Kelly	McGraw	Robertson	Warner	
Grant	Ketcham				17

The Clerk was proceeding to read said bill, when

Mr. Prosser moved to recommit to the committee on the incorporation of cities and villages, with instructions to amend by inserting the following amendment:

"Should the profits upon the railroad hereby authorized and which shall be built, exceed 15 per cent. upon the cost thereof, the fare of passengers shall be so reduced that the net profits shall not exceed 15 per cent. on the cost of the said railroad, as aforesaid; and the said corporators and their assigns, shall make annual statements to the State Engineer and Surveyor of their capital paid in, their gross earnings, their expenses, and their net profits."

The President decided the motion not in order, for the reason as before stated.

From this decision Mr. Prosser appealed.

The President put the question "Shall the decision of the Chair stand as the judgment of the Senate?" and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	McGraw	Ramsey	Sessions	
Blood	Hillhouse	Manierre	Richmond	Spinola	
Colvin	Kelly	Montgomery	Robertson	Truman	
Fiero	Ketcham	Munroe	Rotch	Warner	
Grant	Lawrence	J. M. Murphy			23

FOR THE NEGATIVE.

Bell	Gardiner	P. P. Murphy	Prosser	Williams	
Connolly	Goss				7

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Blood	Hammond	Lawrence	Ramsey	Sessions	
Colvin	Kelly	McGraw	Richmond	Spinola	
Fiero	Ketcham	Munroe	Robertson	Truman	
Grant	Lapham	J. M. Murphy	Rotch	Warner	20

FOR THE NEGATIVE.

Abell	Ferry	Hillhouse	Montgomery	Prosser	
Bell	Gardiner	Manierre	P. P. Murphy	Williams	
Connolly	Goss				12

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bell moved to reconsider the vote on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Hillhouse	Montgomery	Prosser	
Connolly	Goss	Manierre	P. P. Murphy	Williams	
Ferry					11

FOR THE NEGATIVE.

Blood	Hammond	Lawrence	Ramsey	Sessions
Colvin	Kelly	McGraw	Richmond	Spinola
Fiero	Ketcham	Munroe	Robertson	Warner
Grant	Lapham	J. M. Murphy	Retch	

19

The hour of 12 o'clock having arrived, the President announced the special order, being the bill entitled as follows :

"An act to amend chap. 8, title 9, part 3 of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises.'"

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported progress and asked and obtained leave to sit again.

Mr. Fiero moved that said bill be made the special order for this evening, at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Fiero, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to provide for the disposition of the custody of minor children," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lapham presented two petitions of inhabitants of Warren county, for a pro rata freight law, which were read and referred to the select committee on that subject.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act to amend chap. 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises.'"

After some time spent thereon, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of said bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Ferry presented a petition of James S. Wadsworth, for the relief of Charles James Murray, an infant, which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate in the city of New York the National Democratic Hall Association," which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to incorporate the Hyde Park fire department, in Dutchess county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street, and to change the plan of streets and avenues in that part of said city lying between 125th and 141st street, east of 10th avenue and west of a line fifty feet east of the old Kingsbridge road, and running parallel with said road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

Mr. Grant moved to recommit the bill entitled "An act to alter the map or plan of the city of New York," to the committee on the incorporation of cities and villages, and that when reported it retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to prevent frauds in the sale of tickets upon steamboats, steamships and other vessels."

"An act relating to the foreclosure and sale of the New York and Erie railroad."

"An act to incorporate the Transit Life Insurance company."

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Prosser, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the city of Utica," reported in favor of the passage of the same, with amendments.

On motion of Mr. Ferry, and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

Mr. Lawrence moved that the Assembly bill entitled "An act authorizing the commissioners of highways of the town of North Hempstead, in Queens county, to regulate the highways in the eleventh road district in said town," be referred to the first committee of the whole:

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to revise and extend an act respecting the appropriation of the waters of the Black river for the use of the Black river canal, and Erie canal feeder," passed April 3, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Connolly moved that the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to provide for the election of fire bell ringers in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

On motion of Mr. Fiero, the Senate adjourned.

FRIDAY, MARCH 9, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rawson.

The journal of yesterday was read and approved.

Mr. Hillhouse presented a petition of the board of supervisors of Ontario county, for increased compensation to grand and petit jurors, which was read and committed to the committee of the whole.

Mr. Bell presented a petition of citizens of Jefferson county, for extension of the act in relation to appropriation of the waters of the Black river, which was read and referred to the committee on canals.

Mr. Warner presented three petitions of citizens of Oswego co., for repeal of law imposing per capita tax for military purposes, which were read and committed to the committee of the whole.

Also, five petitions of citizens of Oswego county, for a pro rata freight law, and tolls on railroads, which were read and referred to the select committee on that subject.

Mr. McGraw presented a remonstrance of citizens of Cortland co., against pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Colvin presented a petition of citizens of Cohoes, for amendment of water act of said village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Warner presented a remonstrance of citizens of Oswego, against amendment of their charter in relation to city poor laws, which was

read and referred to the committee on the incorporation of cities and villages.

Mr. Munroe, from the committee on State prisons, to which was referred the bill entitled "An act to amend the several acts in relation to State Prisons," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy moved to reconsider the vote on the question of agreeing to the report of the committee on the bill entitled "An act to regulate the rate of milk freight on the New York and Erie railroad."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. P. P. Murphy moved that said bill be recommitted to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act in relation to school district No. 5, in the town of Bath, Steuben county," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act requiring school district lines to be definitely described and recorded," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act providing for the assessment of amount to be paid for Croton water at Sing Sing Prison," reported in favor of the passage of the same.

Mr. Lapham moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend chap. 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent and of demised premises.'"

Mr. Bell, from the committee on canals, to which was referred the bill entitled "An act to revise and extend an act respecting the appropriation of the waters of the Black river for the use of the Black river canal and Erie canal feeder," passed April 3, 1857," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was recommitted the Assembly bill entitled "An act for the relief of the corporation for the relief of widows and children of clergymen of the Protestant Episcopal church, in the city of

New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act in relation to the bank deposit and custodian of public moneys in New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to alter and amend the charter of the Homestead Fire Insurance company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act in relation to foreign insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

A message from the Assembly was received, returning the bill entitled "An act to amend an act entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847," informing that they had receded from the first amendment thereto, and concurred in the further amendment of the Senate.

Ordered, That the Clerk return said bill to the Assembly.

The third reading of the bill entitled "An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy," having been announced,

Mr. Spinola moved that it be postponed until Tuesday next at 12 o'clock, noon.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend section 37, article 2, title 4, chapter 2, of part 4 of the Revised Statutes, entitled 'Of indictments and proceeding thereon,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	Montgomery	Prosser	Sessions
Colvin	Hillhouse	Munroe	Ramey	Truman
Connolly	Lapham	P. P. Murphy	Rotch	Warner
Ferry				

16

FOR THE NEGATIVE.

Fiero	Ketcham	McGraw	J. M. Murphy	Spinola
Gardiner	Lawrence	Manierre	Robertson	Williams
Grant				

11

Mr. Truman moved to reconsider the vote on said bill, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize repairs on a bridge over the State drain in the town of Lysander," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Colvin	Goss	McGraw	P. P. Murphy	Sessions
Connolly	Hillhouse	Manierre	Prosser	Spinola
Ferry	Ketcham	Montgomery	Ramsey	Truman
Fiero	Lapham	Munroe	Robertson	Warner
Gardiner	Lawrence	J. M. Murphy	Rotch	Williams

25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to release the interest of the people of this State in certain real estate held by Gabriel Rumplor, deceased, to 'St. Mary's Church of the Redemptorist of Buffalo,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Lapham	Munroe	Ramsey	Sessions
Ferry	Lawrence	J. M. Murphy	Richmond	Truman
Fiero	McGraw	P. P. Murphy	Robertson	Warner
Hillhouse	Manierre	Prosser	Rotch	Williams
Ketcham	Montgomery			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend the charter of the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Fiero	Lapham	J. M. Murphy	Sessions
Colvin	Goss	McGraw	Prosser	Truman
Connolly	Hillhouse	Montgomery	Ramsey	Warner
Ferry	Ketcham	Munroe	Rotch	Williams

20

On motion of Mr. Ferry, and by unanimous consent, the rule was suspended, and said bill ordered transmitted to the Assembly immediately.

Mr. Fiero moved to take from the table the following resolutions:

Resolved, (if the Assembly concur,) That we have witnessed with pleasure the efforts which have been made in Congress for the final settlement and payment of our revolutionary debt; we consider that

our government is under the most solemn obligation to carry out the promises of the Continental Congress as contained in the resolutions of the 21st October, 1780, January 7th, 1781, and March 8th, 1785, by allowing the officers of the revolutionary army the half-pay for life to which they are entitled under those resolutions, for the payment of which the National faith is pledged; and all those Senators and Members who have taken an active interest in behalf of the officers of the Revolution, their widows and their children, are entitled to the thanks and gratitude of the country.

Resolved, (if the Assembly concur,) That our Senators in Congress be instructed and our Members of the House of Representatives be requested to advocate and vote for a bill to provide for the final settlement and payment of the half-pay for life which was promised by the Continental Congress to the officers of the Revolutionary army, who should serve to the end of the war, or until the time of their reduction, deducting the value of the commutation certificates issued in their names, and the pay allowed them under the act of May 15, 1828, and that the amount due be paid to the officer if alive, and if dead to the heirs at law of such deceased officer; and that a suitable provision be made for the widows and children of those officers who where killed in battle or died in the service; and that such bill conform to the principles and promises contained in the resolutions of October 21, 1780, January 7, 1781, and 8th of March 1785; and that the provisions of the bounty land act of March 3, 1855, allowing 160 acres of land, be extended to the surviving children of the soldiers of the Revolution.

Resolved, (if the Assembly concur,) That our Senators from this State be instructed, and our members in Congress be requested to advocate and vote for a law declaring that all pensions for wounds received or disabilities incurred while in the line of duty in the military and naval service of the United States, during any of the wars in which our country has been engaged, instead of commencing from the completion of the proof, as is now practiced at the Department, shall commence at and from the date of the disability; and continue during life, or during disability; and in case of the death of such invalid, the arrears of pension due him shall be paid to his widow, if alive; and if no widow, to his child or children; and if none, to his legal representatives for the benefit of the next of kin of such deceased invalid. The laws under which these men entered the service may well be said to have formed a contract between the government and the soldier, that if he should be injured or disabled while in the line of his duty in the public service, he should be pensioned according to the degree of his disability and to commence when his disability commenced; and we respectfully ask the adoption of this principle by Congress, as due upon every consideration of good faith, honor and justice to those brave men who fought our battles and shed their blood in defence of our country's rights and independence.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Fiero moved to amend said resolutions by adding the following :

Resolved, That the Clerk of the Senate be instructed to forward a copy of the foregoing resolutions, to each of our Senators and Representatives in Congress assembled.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolutions, as amended, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolutions to the Assembly, and request their concurrence therein.

Mr. Robertson moved that the committee on commerce and navigation be discharged from the further consideration of the petition of John V. Cole and others, for the removal of Quarantine, and that the same be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the charter of the Watertown and Rome Railroad company," and that the same be recommitted to the committee on railroads, to retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to prevent frauds in the sale of tickets upon steamboats, steamships and other vessels," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Montgomery	Ramsey	Sessions
Colvin	Grant	Munroe	Richmond	Truman
Connolly	Hillhouse	P. P. Murphy	Robertson	Warner
Ferry	McGraw	Prosser	Rotch	Williams
Fiero				

21

FOR THE NEGATIVE.

J. M. Murphy Spinola

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 11 o'clock having arrived, the President announced the special order, being the concurrent resolutions to amend the Constitution, relative to the judiciary of the State, in the words following, to wit:

Whereas, At the last session of the Legislature, the following amendment to the Constitution was proposed, viz :

From and after the third Tuesday of June, eighteen hundred and sixty, the Court of Appeals shall consist of six judges, to be

chosen by the electors of this State. The four judges who may then be in office by previous election or appointment, shall continue to hold until the expiration of their respective terms. On the third Tuesday of May, eighteen hundred and sixty, an election shall be held, at which two judges of said court shall be chosen, whose terms shall commence on the third Tuesday of June, eighteen hundred and sixty. The term of one of them shall expire in nine years from the thirty-first day of December following, and of the other in eleven years from the same time. At the general election in the year eighteen hundred and sixty-one, and in every second year thereafter, unless the Legislature shall by law appoint a different day, one judge of said court shall be chosen for a term of twelve years from and after the thirty-first day of December, next after such election. Four judges shall constitute a quorum. In case of the absence or inability to serve, of any judge or judges, the Governor may appoint one or more justices of the Supreme Court to serve for the time being.

Section seven, of article six of the Constitution, is hereby abrogated, and the following provision substituted :

The judges of the Court of Appeals and the justices of the Supreme Court, shall receive, at stated times, for their service, a compensation, to be established by law; the provision made for such compensation, by act of the Legislature, in the year eighteen hundred and fifty-seven, shall apply to judges and justices, then in office, as well as those thereafter elected or appointed, and the same shall be deemed to have taken effect accordingly from the first day of January, eighteen hundred and fifty-eight.

Section fourteen, of article six of the Constitution, is amended as follows :

The county court shall have such original and appellate jurisdiction as the Legislature may prescribe.

And whereas, the said proposed amendment was then agreed to by a majority of the members elected to each of the two houses, and entered on the journals, with the ayes and noes taken thereon, and referred to the Legislature to be chosen at the next general election of Senators, then ensuing :

And whereas, the said proposed amendment has been duly published for three months previous to making such choice, in pursuance of the provisions of the first section of the thirteenth article of the Constitution :

Resolved, (if the Assembly concur,) That the Senate do agree to the proposed amendment.

Debate being had thereon,

Mr. Ferry moved that said resolutions be laid upon the table, and that their further consideration be postponed indefinitely.

Mr. Ramsey moved to amend by striking out the word "indefinitely," and inserting in lieu thereof the words "Monday evening next at 7 o'clock."

Mr. Ferry moved to amend the amendment by striking out the

words "Monday evening next at 7 o'clock," and inserting in lieu thereof the words "April 2d."

The President put the question whether the Senate would agree to said motion of Mr. Ferry, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative.

The President then announced the further special order, being the bill entitled as follows:

"An act for ascertaining and collecting the damages caused by the destruction of the Marine Hospitals and other buildings and property at quarantine."

Mr. Truman moved that said special order be postponed for half an hour.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The hour of 12 o'clock having arrived, the President announced the special order, being the third reading of the bill entitled as follows:

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes."

On motion of Mr. Lapham, and by unanimous consent, said bill was amended by inserting the words "Glen's Falls feeder," after the words "Champlain canal."

The Clerk was proceeding to read said bill, when

Mr. Munroe moved to recommit to the committee on canals, with instructions to amend by striking out the appropriation for the extension of the Chenango canal; and also strike out "eleven-twentieths of a mill" in section 1, and insert in lieu thereof "one-half of a mill."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Sessions	
Bell	Hillhouse	Manierre	P. P. Murphy	Warner	
Blood	Ketcham	Montgomery	Robertson	Williams	15

FOR THE NEGATIVE.

Celvia	Gardiner	Lawrence	Prosser	Rotch	
Connolly	Grant	McGraw	Ramsey	Spinola	
Ferry	Hammond	J. M. Murphy	Richmond	Truman	
Fisco	Kelly				17

The Clerk was again proceeding to read said bill, when

Mr. Lapham moved to recommit to the committee on canals, with instructions to amend by striking out the section in relation to extension of length of locks on Erie canal, and report forthwith.

The President put the question whether the Senate would agree to said motion, it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	Munroe	Rotch	
Bell	Kelly	McGraw	Ramsey	Sessions	
Blood	Ketcham	Manierre	Richmond	Spinola	

Connolly Fiero	Lapham	Montgomery	Robertson	Williams	21
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FOR THE NEGATIVE.

Colvin Ferry Gardiner	Goss Hammond	Hillhouse J. M. Murphy	P. P. Murphy Prosser	Truman Warner	11
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Mr. Prosser, from the committee on canals, to which was recommended the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water, for the extension of the Chenango canal, and for other purposes," reported that they had made the amendment thereto, as directed by the Senate.

Mr. Prosser moved to recommit said bill to the committee on canals, with instructions to amend by inserting the following as section eight:

§ 8. The Canal Board are authorized after the full depth of the Erie, the Oswego, and Cayuga and Seneca canals shall have been obtained this spring, to extend the locks on said canals in any manner they deem best so as to increase their capacity to pass boats with one hundred tons more cargo than the past, provided this can be done within the means herein appropriated to the said canals, and provided they deem it for the best interest of the State.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell Bell Connolly Ferry Fiero	Gardiner Goss Hammond Hillhouse Ketcham	Lawrence McGraw Manierre Montgomery Munroe	J. M. Murphy P. P. Murphy Prosser Sessions	Spinola Truman Warner Williams	23
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FOR THE NEGATIVE.

Blood Colvin	Grant Kelly	Lapham Ramsey	Richmond	Rotch	8
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Mr. Prosser, from the committee on canals, to which was recommended the bill entitled "An act to provide the means for the completion of the canals of this State and fully supply them with water, for the extension of the Chenango canal, and for other purposes," reported that they had made the amendment thereto, as directed by the Senate, and in favor of the passage of the same, as amended.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell Colvin Connolly Ferry	Goss Hammond Hillhouse Kelly	McGraw Manierre J. M. Murphy	P. P. Murphy Prosser Ramsey	Rotch Truman Warner	17
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FOR THE NEGATIVE.

Abell Blood Fiero	Gardiner Grant Ketcham	Lapham Lawrence Montgomery	Munroe Richmond Robertson	Sessions Spinola Williams	15
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act making appropriations for the canal debt and the maintenance of the canals, for the fiscal year commencing on the first day of October, 1860."

Ordered, That the Clerk deliver said bill to the Governor.

The hour of 12½ o'clock having arrived, the President announced the special order, being the bill entitled as follows:

"An act for ascertaining and collecting the damages caused by the destruction of the Marine Hospitals and other buildings and property at Quarantine."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. Connolly, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Bell rose to a question of privilege, and sent to the desk a paper which he asked to have read.

Mr. Spinola objected to the reading of the paper.

Mr. Bell was proceeding to make a statement, when

Mr. Spinola raised the point of order that the Senator from the 18th was not stating a question of privilege.

The President decided the point of order not well taken.

Mr. Bell moved that the paper be read.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Goss	Munroe	Williams	
Bell	Gardiner	Montgomery	P. P. Murphy		9

FOR THE NEGATIVE.

Blood	Hammond	Lawrence	Robertson	Spinola	
Colvin	Hillhouse	McGraw	Rotch	Truman	
Fiero	Ketcham	Ramsey	Sessions	Warner	
Grant	Lapham	Richmond			18

Mr. Bell then moved that he be allowed to read the paper in his place.

The President decided the motion not in order, the Senate having just refused to have the paper read.

On motion of Mr. McGraw, the Senate adjourned.

SATURDAY, MARCH 10, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rawson.

The journal of yesterday was read and approved.

Mr. Montgomery presented two remonstrances of citizens of St. Lawrence and Jefferson counties, against interfering with freedom of trade on the canals and railroads of this State; also, two petitions of citizens of Franklin county, for a pro rata freight law; which were read and referred to the select committee on that subject.

Mr. Lawrence presented a remonstrance of citizens of Brooklyn, against issue of bonds to build markets, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of inhabitants of Suffolk county, for a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. McGraw presented a petition of citizens of Madison county, for a prohibitory liquor law, which was read and referred to the committee on the internal affairs of towns and counties.

Also, two petitions of inhabitants of same county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Also, a petition of inhabitants of same county, for a personal liberty law, which was read and referred to the committee on the judiciary.

Mr. Lawrence presented a petition of tax-payers of Brookhaven for a law authorizing the electors of said town to elect a collector of taxes in each election district, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Ketcham presented three petitions of citizens of Columbia county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Montgomery, from the committee on the erection and division of towns and counties, to which was referred the Assembly bill entitled "An act to erect a new county from the third Assembly district of Steuben county, to be called 'Canisteo,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to enable the electors of the town of Johnstown, Fulton county, to vote by districts for town officers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the more effectual cultivation of the arts and sciences, and for the promotion and encouragement of the same," reported in favor of the

passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Hyde Park fire department, in Dutchess county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act authorizing the completion of a ditch in the town of Manlius, Onondaga county, and for other purposes," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Geddes,' passed April 20, 1832," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide for the widening of Atlantic avenue in the city of Brooklyn, and to establish a public drive and promenade on said avenue," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the petition of an association for the relief of respectable aged indigent females, for an amendment of their charter, reported by bill entitled "An act to amend an act entitled 'An act to incorporate an association for the relief of respectable aged indigent females in the city of New York, passed March 10, 1815,' and continued in force by the acts of April 20, 1830, and April 7, 1849," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate a special board of trustees to hold and manage certain funds for the benefit of the First Methodist Episcopal church, John street, in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Joseph Bayley, of the town of Virgil," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act for ascertaining and collecting the damages caused by the destruction of the Marine Hospitals, and other buildings and property at Quarantine."

Mr. Ramsey, from the committee on the judiciary, to which was

referred the bill entitled "An act authorizing a husband or his wife to be examined as a witness in certain cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the petition of James B. Brady, for relief, in the matter of work performed by him on certain streets in the city of New York, on a contract with said city, reported by bill entitled "An act to legalize certain proceedings of the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the act entitled 'An act relative to disputed wills,' passed April 15, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to prevent frauds in the sale of goods and personal property at auction," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 464 of the laws of 1847," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm and make valid and effectual certain ordinances of the common council of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm and make valid and effectual a certain ordinance of the common council of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 7, of title 1, chapter 7, part 2d of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act authorizing the sale of lands devised by Samuel Norsworthy, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was again recommended the Assembly bill entitled "An act in relation to the determination of claims to real property in certain cases," again re-

ported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was recommitted the bill entitled "An act to alter the map or plan of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prosser, from the minority of the select committee, to which was recommitted the bill entitled "An act imposing tolls upon railroads," with power to report complete, reported the same complete, with amendments, which report was agreed to.

The President presented a reply from the Commissioners of Quarantine, to the resolution of the Senate calling for certain information, which was laid on the table and ordered printed.

(See Doc. No. 61.)

The President also presented a communication from the board of commissioners of the Central Park, in reply to resolution of Senate of March 3, which was laid on the table and ordered printed.

(See Doc. No. 63.)

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to organize the fire department in the village of Delhi, Delaware county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act supplementary to an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the raising of money by tax in the town of Westchester, county of Westchester, for the purpose of purchasing a site and building a town house in said town," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

"An act to authorize the stockholders of the Fort Plain and Cooperstown Plankroad company to change the day for holding the annual election of directors of said company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for the appointment of deputy inspectors of gas meters, to reside in different parts of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act relative to the toll gate on the Albion plankroad,' which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for funding and paying the floating debt of the corporation of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act authorizing the town of Southfield, Richmond county, to purchase a site for a town house, and also to establish and maintain a jail or lock-up in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act imposing tolls upon property transported upon certain railroads referred to herein," which was read the first time, and by unanimous consent was also read the second time.

Mr. Prosser moved that said bill be referred to the committee of the whole, and made the special order for Wednesday next, immediately after the reading of the journal.

Mr. Blood moved to amend so as to refer said bill to the select committee on that subject.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Prosser, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Ferry	Ketcham	Montgomery	Prosser	Robertson
Fiero	McGraw	Munroe	Ramsey	Williams
Goss				

11

FOR THE NEGATIVE.

Blood	Connolly	Hillhouse	Lapham	Richmond
Colvin	Grant	Kelly	Lawrence	Sessions

10

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act to provide for the organization and government of the Police force of the city of Albany,' passed March 31, 1859," with the following amendments :

Change the numbers of sections 3 and 4 to sections 2 and 3, respectively.

Strike out in the last line of the bill the word "March" and insert in lieu thereof the word "April."

Mr. Colvin moved that the Senate do concur in the amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Blood	Fiero	Kelly	McGraw	Richmond
Colvin	Goss	Ketcham	Montgomery	Robertson
Connolly	Grant	Lapham	Prosser	Sessions
Ferry	Hillhouse	Lawrence	Ramsey	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to construct and protect sidewalks along highways, repealing chapter 324, laws of 1854, entitled 'An act to amend chapter 281, of the Session Laws of 1836, entitled 'An act to protect sidewalks, along highways,' passed May 10, 1836,' and also repealing said chapter 281, laws of 1836, entitled 'An act to protect sidewalks along highways,' passed May 10, 1836," with the following amendment:

Strike out of the title all after the word "highways," first occurring.

Mr. Fiero moved that the Senate concur in the amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Lawrence	Richmond
Blood	Fiero	Kelly	Montgomery	Robertson
Colvin	Goss	Ketcham	Prosser	Sessions
Connolly	Grant	Lapham	Ramsey	Williams
				20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows:

"An act for the relief of Wm. O. Hubbard."

"An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed April 13, 1837;" also to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed May 13, 1845."

Ordered, That the Clerk return said bills to the Assembly.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill to confirm the election of Thomas V. Russell as district attorney for the county of St. Lawrence.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the following entitled bill:

"An act to amend the charter of the city of Utica."

Ordered, That the Clerk return said bill to the Assembly.

By unanimous consent, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to incorporate the Corn Exchange Warehousing company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Ferry asked and obtained leave to introduce a bill entitled "An act in relation to the overseer of the poor of the town of Rome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Ketcham asked and obtained leave

to introduce a bill entitled "An act to incorporate the People's Savings bank of Dutchess county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Richmond asked and obtained leave to introduce a bill entitled "An act to extend the time for the completion of the Lebanon Springs railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to incorporate the village of Lyons, passed April 17, 1854,' and the acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to allow the town of Brook Haven, in the county of Suffolk, to elect one collector of taxes in each election district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Lapham,

Resolved, That the papers on file relating to the claim of Gertrude C. Doe be taken from the file, and with other papers relating thereto, be referred to the committee on the judiciary.

Mr. Robertson moved that the bill entitled "An act concerning the Commissioners of Emigration and the Marine Hospital," be made the special order for next Thursday, at 11 A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act authorizing the commissioners of highways of the town of North Hempstead, in Queens county, to regulate the highways in the eleventh road district in said town."

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

"An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison."

After some time spent thereon, the President resumed the chair, and Mr. Sessions, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Sessions, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Fiero moved that the bill entitled 'An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike-road company,' passed April 14, 1859,' be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hillhouse moved that the bill entitled "An act to amend an act amending the charter of the village of Seneca Falls," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Grant moved that the bill entitled "An act to amend an act entitled 'An act to incorporate the Cochection Bridge company,' passed April 7, 1817," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike-road company,' passed April 14, 1859."

"An act to amend an act amending the charter of the village of Seneca Falls."

"An act to amend an act entitled 'An act to incorporate the Cochection Bridge company,' passed April 7, 1817."

After some time spent thereon, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of said bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. J. M. Murphy, from the select committee consisting of the New York Senators, to which was referred the Assembly bill entitled "An act authorizing the board of supervisors of the county of New York, to levy a tax for county purposes, and to regulate the expenditure thereof, and also to borrow money in anticipation of the collection of said tax, and to issue 'county revenue bonds' therefor," reported in favor of the passage of the same, with amendments.

Mr. Spinola moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, informing that they had concurred in the amendment of the Senate to the bill entitled as follows:

"An act to authorize repairs on a bridge over the State drain in the town of Lysander."

Ordered, That the Clerk return said bill to the Assembly.

The Senate again resolved itself into a committee of the whole,

and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly bill, "An act authorizing the board of supervisors of the county of New York to levy a tax for county purposes, and to regulate the expenditure thereof, and also to borrow money in anticipation of the collection of said tax, and to issue 'county revenue bonds' therefor."

"An act in regard to divorces dissolving the marriage contract."

Assembly bill, "An act for the relief of 'The Corporation for the relief of Widows and Children of Clergymen of the Protestant Episcopal Church in the State of New York.'"

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Spinola moved that said bill be referred to the first committee of the whole on Tuesday.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Spinola, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Spinola, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Connolly presented a communication from John Kerr, one of the excise commissioners of the city of New York, in reply to the resolution of the Senate, which was laid on the table and ordered printed.

(See Doc. No. 55.)

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly bill, "An act for the appointment of commissioners to examine and report on the claim of John Gihon."

"An act to determine the claim of James Hay to the real property and proceeds thereof of John G. Leake, deceased."

Assembly bill, "An act to legalize the official acts of George Aldrich, as justice of the peace."

"An act to amend the charter of the Catskill and Mountain Turnpike company."

After some time spent thereon, the President resumed the chair, and Mr. Gardiner, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Gardiner from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment :

An act to consolidate and amend the several acts relating to the village of Catskill."

Ordered, That the Clerk deliver said bill to the Governor.

A message from the Assembly was received, returning the following entitled bills:

"An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859."

"An act to construct and protect sidewalks along highways."

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. P. P. Murphy, the Senate adjourned.

MONDAY, MARCH 12, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of Saturday, was read and approved.

Mr. Williams presented a remonstrance of Pomeroy Tucker and thirty-eight other citizens of Palmyra, against the passage of a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Blood presented a petition of inhabitants of Montgomery co., for the abolition of capital punishment, which was read and referred to the committee on the judiciary.

Mr. McGraw presented two remonstrances of citizens of Cortland county, against a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. McGraw, from the committee on claims, to which was referred the petition of Clinton L. Colton and others, for relief, reported by bill entitled "An act for the relief of Clinton L. Colton, Timothy Cook and John W. Conley," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. McGraw, from the committee on claims, to which was referred the petition of Philip Christiance, Jr., for relief, reported by bill entitled "An act for the relief of Philip Christiance, Jr., of Palatine, Montgomery county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. McGraw, from the committee on claims, to which was referred the petition of Horace Pierce and others, for relief, reported by bill entitled "An act for the relief of Horace Pierce, W. W. Baker, B. A. Low and Wm. Van Horn," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Prosser, from the committee on canals, to which was referred the petition of Wm. P. Paff for a new bridge over the Erie canal,

reported in favor of the adoption of the following resolution, to wit: *Resolved*, That the prayer of the petitioner ought not to be granted; which report was agreed to.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend the charter of the Catskill and Mountain Turnpike company."

"An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike road company,' passed April 14, 1859."

"An act to amend an act amending the charter of the village of Seneca Falls."

"An act to amend an act entitled 'An act to incorporate the Cochection Bridge company,' passed April 7, 1817."

Mr. Prosser, from the committee on canals, to which was referred the bill entitled "An act to authorize the appointment of three canal appraisers in the several counties of this State through which the several canals pass," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. McGraw asked and obtained leave to introduce a bill entitled "An act relating to the overseer of the poor of the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act relating to the overseer of the poor of the city of Rochester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to amend section 22 of article 2d of title 5, chapter 6, of the 3d part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the incorporation of the village of Wilson, in the county of Niagara, and to grant to said incorporation additional powers to those given by an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to provide for the opening of East New York avenue, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act relating to street railways in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act to confirm the election of Thomas V. Russell, as district attorney for the county of St. Lawrence," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

The order of third reading of bills having been announced, Mr. Fiero moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. P. P. Murphy moved that the Assembly bill entitled "An act authorizing school district number five, in the town and county of Niagara, to raise money by tax, for school purposes," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Sessions moved that the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district,'" be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Abell moved that the Assembly bill entitled "An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act authorizing and requiring school district number five, in the town and county of Niagara, to raise money by tax for school purposes."

"An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the elec

tion of officers for the same, and to declare the said village a separate road district."

"An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village."

After some time spent thereon, the President resumed the chair, and Mr. Blood, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Blood, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Sessions moved that the committee of the whole be discharged from the further consideration of said bill, and that it be referred to the Senator from the 30th, with power to report complete.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Williams moved that the bill entitled "An act to authorize the rebuilding a bridge across Great Sodus bay, in the town of Huron, in the county of Wayne," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the rebuilding a bridge across Great Sodus bay, in the town of Huron, in the county of Wayne."

"An act for the relief of the widow and children of Joseph Sayres, deceased."

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842."

After some time spent thereon, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. P. P. Murphy moved that the bill entitled "An act to encourage and provide for a general vaccination in this State," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to amend an act entitled 'An act to consolidate districts number six and fifteen, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,' passed April 7, 1857."

"An act to amend the act to incorporate the village of Stillwater."

Also, "An act to encourage and provide for a general vaccination in this State."

After some time spent thereon, the President resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Goss, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Abell, from the select committee consisting of the Senator from the 30th, to which was referred the Assembly bill entitled "An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to amend chapter 812 of the laws of 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to make better provision for the punishment of frauds committed by trustees, bankers and other persons intrusted with property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings."

"An act authorizing Courts of Sessions to transfer proceedings to the Oyer and Terminer."

"An act in relation to disbursements in justices' courts."

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported in favor of the passage of said bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the East Brooklyn savings bank in the city of Brooklyn."

Assembly bill, "An act to annex part of the town of Italy, in Yates county, to the town of Naples, in Ontario county."

"An act to authorize the treasurer of Monroe county to collect certain taxes."

After some time spent thereon, the President resumed the chair, and Mr. Prosser, from said committee, reported in favor of the passage of said bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Ferry, from the committee on banks, to which was referred the bill entitled "An act to incorporate the People's Savings bank of Dutchess county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act authorizing a grant of half an acre of land in lot fifty-one, Stirling, to the trustees of the Free Will Baptist Church, and their successors, in the town of Wolcott, Wayne county."

"An act in relation to the collection of county taxes in the city of Rochester, in the county of Monroe."

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

After some time spent thereon, the President resumed the chair, and Mr. Sessions, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Williams moved to recommit said bill to the committee on charitable and religious societies, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sessions, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Fiero moved that the bill entitled "An act to authorize the formation of a Mutual Insurance company in the towns of Rensselaerville and Westerlo, in the county of Albany, and the towns of Durham and Greenville, in the county of Greene," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hammond moved that the bill entitled "An act to incorporate the Corning Savings bank," be referred to the first committee of the whole.

The President put the question whether the Senate would agree

to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the formation of a Mutual Insurance company in the towns of Rensselaerville and Westerlo, in the county of Albany, and the towns of Durham and Greenville, in the county of Greene."

"An act to amend an act to incorporate the Savings bank of Utica."

"An act to incorporate the Corning Savings bank."

After some time spent thereon, the President resumed the chair, and Mr. Gardiner, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Gardiner, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. McGraw moved that the committee of the whole be discharged from the further consideration of said bill, and that it be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to authorize appeals from judgments rendered by the police justice of the village of Corning."

"An act to amend the act entitled 'An act authorizing the incorporation of Rural Cemetery associations,' passed April 27, 1847."

"An act in relation to fees of grand and petit jurors."

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Spinola, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to constitute school district number one, in the town of Salina and county of Onondaga, a free school."

"An act to amend the Revised Statutes relative to treasurers' bonds."

Assembly bill, "An act to provide for widening of Atlantic avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue."

After some time spent thereon, the President resumed the chair, and Mr. Connolly, from said committee, reported in favor of the pas-

sage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Connolly, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Spinola moved that the bill entitled "An act in relation to land under water in front of the city of Brooklyn," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and Mr. Grant, from said committee, reported that no quorum was present.

Mr. Spinola moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Williams moved a call of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The following Senators were found present :

Ferry	Grant	McGraw	Prosser	Spinola	
Fiero	Hammond	Montgomery	Ramsey	Williams	
Goss	Hillhouse	P. P. Murphy	Sessions		14

A quorum not being present,

Mr. Fiero moved that the Sergeant-at-Arms be instructed to bring within the bar Messrs. Blood, Connolly, Gardiner and Abell.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond moved that the doors of the chamber be closed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond moved that the President be instructed, in his discretion, to send the Assistant Sergeant-at-Arms after the balance of the absent Senators.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Sergeant-at-Arms of the Senate appeared at the bar, accompanied by Messrs. Abell and Connolly, and they having stated their excuses for being absent,

On motion of Mr. Fiero, they were excused.

Mr. McGraw moved to suspend the call of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act to amend an act entitled 'An act to create a fund in aid

of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. McGraw, the Senate took a recess until seven o'clock.

SEVEN O'CLOCK.

The Senate again met.

The President announced the special order, being the consideration of the annual message of His Excellency the Governor.

Mr. Ramsey moved that said special order be postponed until Monday next, at 7 P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and resumed the consideration of the bills pending at the time no quorum was found to be present at the morning session, to wit:

"An act in relation to land under water in front of the city of Brooklyn."

Assembly bill, "An act to repeal certain sections of the act entitled 'An act to enlarge the powers and define the duties of the contracting board.'"

"An act to amend the Revised Statutes in relation to the powers of county judges in cases of appeal to Courts of Sessions."

After some time spent thereon, the President resumed the chair, and Mr. Grant, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Grant, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Spinola moved that the Assembly bill entitled "An act to provide for the widening of Atlantic avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to provide for the widening of Atlantic avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue."

"An act to provide for the payment of certain expenses of the commissioners appointed to drain the Great Binnewater swamp, in the county of Ulster."

"An act in relation to police and courts in the city of New York."

After some time spent thereon, the President resumed the chair, and Mr. Lapham, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, *March 12, 1860.*

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

March 8. "An act to define the boundaries of the Third and Fourth wards of the city of Schenectady, and to erect an additional ward."

10. "An act to amend the charter of the city of Utica."

10. "An act to construct and protect sidewalks along highways."

10. "An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859."

12. "An act making appropriations for the canal debt, and the maintenance of the canals for the fiscal year commencing on the 1st of October 1860."

12. "An act to amend an act entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847."

12. "An act to amend the charter of the Long Island railroad company."

12. "An act to authorize the common council of the city of Troy to purchase and convey to the State of New York, a site for a regimental armory."

E. D. MORGAN.

Mr. Robertson moved that the bill entitled "An act to amend section 23 of chapter 455 of the laws of 1857, in relation to highway damages," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. McGraw moved that the Assembly bill entitled "An act to amend chapter 464 of the laws of 1847," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bills, "An act to authorize the surviving trustees of the First Wesleyan Methodist Church of Keeseville, to convey certain premises to Jacob Blaisdell, of Keeseville."

"An act to amend section 23 of chapter 455 of the laws of 1847, in relation to highway damages."

"An act to amend chapter 464 of the laws of 1847."

After sometime spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Montgomery, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend an act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854," with the following amendments :

Sec. 1, line 8, engrossed bill, after the word "sound," insert the words "or the bays adjacent to the south side of Long Island."

Line 11, same section, after the word "sound," insert the words "or said bays."

Before the word "for" in line 2, of sec. 2, insert the words "or purporting to have been incorporated under said act."

Strike out sec. 3 of engrossed bill, and insert the following in lieu thereof:

§ 3. Each and every stockholder shall be individually liable to the creditors of said corporation to an amount equal to the amount of stock held by him; but no suit shall be brought against any stockholder for any debt or liability contracted by said company, unless the same shall be commenced within one year from the time he shall have ceased to be a stockholder, or within one year after an execution shall have been returned unsatisfied in whole or in part against said company.

Insert the following as section four :

§ 4. Nothing in this act contained shall be construed so as to authorize the establishment of any ferry between the city and county of New York and any other place, and it shall not be held to affect in any manner any of the ferry franchises of the city and county of New York, or of any other city or county of the State of New York.

Change the number of sec. 4 to sec. 5.

Mr. Spinola moved that said amendments be referred to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President presented a communication from the Attorney General, in reply to a resolution of the Senate as to damages caused by new bridges on the canals, which was laid on the table and ordered printed.

(See Doc. No. 59.)

The President also presented a communication from the Attorney General, in reply to a resolution of the Senate as to the powers of the Legislature over streams not navigable, which was laid on the table and ordered printed.

(See Doc. No. 57.)

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act giving to the purchaser or purchasers of the property and franchises of the Buffalo and Batavia Plankroad company, all the corporate rights and franchises of said company on a sale by the receiver," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend the act to incorporate the village of Dansville," passed June 4, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to incorporate the 'German Liederkranz,' of the city of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Connolly, and by unanimous consent, the rule was suspended and said bill referred to the second committee of the whole.

"An act to authorize the board of Supervisors of the county of Richmond to pay certain claims against said county, and to provide means for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Fiero, and by unanimous consent,

Resolved, That a respectful message be sent to His Excellency the Governor, requesting him to return to the Senate the bill entitled "An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes."

Mr. Robertson moved that the bill entitled "An act to amend section 1, chapter 701 of the laws of 1857, relative to the improvement of Westchester creek," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Warner moved that the bill entitled "An act to amend chapter 398 of the laws of 1854, entitled 'An act to provide for the enrollment of the militia and the organization of uniform corps, and the discipline of the military forces of this State.' passed April 17, 1854," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Spinola moved that the Assembly bill entitled "An act to

extend York street, in the city of Brooklyn, from James street to Fulton street," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend section 1, chapter 701 of the laws of 1857, relative to the improvement of Westchester creek."

"An act to amend chapter 398 of the laws of 1854, entitled 'An act to provide for the enrollment of the militia and the organization of uniform corps, and the discipline of the military forces of this State,' passed April 17, 1854."

Assembly bill, "An act to extend York street, in the city of Brooklyn, from James street to Fulton street."

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Ferry, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Gardiner, the Senate adjourned.

TUESDAY, MARCH 13, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Rogers.

The journal of yesterday was read and approved.

Mr. Abell presented four remonstrances of citizens of Allegany county, against the passage of a pro rata freight law; Also two remonstrances of citizens of Chemung county, on same subject; also a remonstrance of citizens of Tioga county, on same subject; which were read and referred to the select committee on that subject.

Mr. Prosser presented sixty-seven petitions of citizens of Steuben and Erie counties, for the passage of a law imposing tolls upon railroads, which were read and referred to the select committee on that subject.

Mr. Warner presented a petition of citizens of Oswego county, on same subject, which was read and referred to the select committee on that subject.

Mr. Rotch presented two petitions of citizens of Herkimer county, for a law imposing tolls upon railroads, which were read and referred to the select committee on that subject.

Mr. Robertson presented a petition of inhabitants of Westchester county, in relation to laying out public highway in said county, which was read and referred to the committee on roads and bridges.

Also, a petition of citizens of same county, for aid in completion of Lebanon Springs railroad, which was read and referred to the committee on finance.

Mr. Manierre presented a remonstrance of citizens of New York, against any alteration in the Metropolitan police act, which was read and committed to the committee of the whole.

Also, a remonstrance of citizens of Brooklyn, against widening Atlantic avenue, which was read and laid on the table.

Also, a remonstrance of citizens of same city, against construction of markets in said city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Lawrence presented a petition of inhabitants of Brookl' aven, for a law authorizing the electors of said town to elect a collector of taxes in each election district, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Williams presented a remonstrance of forty voters of Palmyra, against the passage of a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Robertson presented eight petitions of citizens of Richmond county, of the bill in relation to planting oysters, which were read and committed to the committee of the whole.

Mr. Gardiner presented two remonstrances of citizens of Brooklyn, against passage of Brooklyn market bill, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Montgomery, from the committee on the erection and division of towns and counties, to which was recommitted the Assembly bill entitled "An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Grant, from the committee on the erection and division of towns and counties, to which was referred the petition of citizens of Steuben county, for the erection of a new county, reported by bill entitled "An act to erect a new county from part of the county of Steuben, to be called the county of 'Cowhocton,' and to provide for the holding of the courts therein," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Prosser, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the repairing and maintaining a breakwater along the shore of Lake Erie, within the bounds of the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to incorporate the village of White Plains," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was

referred the Assembly bill entitled "An act to amend section 22 of article 2d, title 5, chapter 6, part 3d of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the overseer of the poor in the town of Rome," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs in certain cases,' passed April 12, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the act entitled 'An act to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs in certain cases, passed April 12, 1859,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was recommitted the Assembly bill entitled "An act authorizing a grant of half an acre of land in lot 51 Stirling, to the trustees of the Free Will Baptist church, and their successors, in the town of Wolcott, Wayne county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. J. M. Murphy, from the committee on commerce and navigation, to which was referred the petition of citizens of Westchester county, for an act to improve the East river, reported by bill entitled "An act to provide for the improvement of the navigation of the East river," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Kelly gave notice that he would, at an early day, ask leave to introduce a bill for the extension of Lewis street from 8th street to 10th street ferry, in the city of New York.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to authorize the conveyance in trust of certain lands at Hunter's and Green Point, Long Island, owned by Leicester K. Ely and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act to amend chapter 435 of the laws of 1859, entitled 'An act for the relief of the Ausable Plankroad company,'" which was read the first time, and by unanimous con-

sent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Abell asked and obtained leave to introduce a bill entitled "An act to punish the fraudulent sale or concealment of property held under a chattel mortgage," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Abell asked and obtained leave to introduce a bill entitled "An act to amend article second of title 3, of chapter 6, of part 2d of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to abolish the board of commissioners of excise of the county of Chautauqua, and confer their powers and duties upon the justices of the peace in the several towns in said county, and the overseers of the poor therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act in relation to assessments for improvements in the city of New York, in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the American Musical Fund society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the Dyckman Library, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The Assembly bill entitled "An act to authorize the raising of money by tax in the town of Westchester, county of Westchester, for the purpose of purchasing a site and building a town house in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Ramsey	Spinola
Colvin	Grant	Lawrence	Robertson	Truman
Connolly	Hammond	Montgomery	Rotch	Warner
Ferry	Hillhouse	J. M. Murphy	Sessions	Williams
Fiero	Kelly	P. P. Murphy		

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act authorizing the commissioners of highways of the town of North Hempstead, in Queens county, to regulate the highways in the eleventh road district in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	Ramsey	Spinola
Colvin	Grant	Manierre	Robertson	Truman
Connolly	Hammond	Montgomery	Rotch	Warner
Ferry	Kelly	J. M. Murphy	Sessions	Williams
Fiero	Lapham	P. P. Murphy		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike road company,' passed April 14, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	Ramsey	Spinola
Colvin	Hammond	Manierre	Robertson	Warner
Connolly	Kelly	Montgomery	Rotch	Williams
Fiero	Lapham	J. M. Murphy	Sessions	

19

FOR THE NEGATIVE.

Ferry	Goss	P. P. Murphy	Truman
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4

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for ascertaining and collecting the damages caused by the destruction of the Marine Hospitals and other buildings and property at Quarantine," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Truman
Connolly	Hammond	Manierre	Ramsey	Warner
Ferry	Kelly	Montgomery	Robertson	Williams
Fiero	Lapham	J. M. Murphy	Rotch	

19

FOR THE NEGATIVE.

Colvin	Grant	Lawrence	Sessions	Spinola
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Cochecton Bridge company,' passed April 7, 1817," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Manierro	Ramsey	Spinola
Colvin	Goss	Montgomery	Robertson	Truman
Connolly	Grant	J. M. Murphy	Rotch	Warner
Ferry	Kelly	P. P. Murphy	Sessions	Williams
Fiero	Lapham			

22

Ordered, That the Clerk deliver said resolutions to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of 'The Corporation for the relief of Widows and Children of Clergymen of the Protestant Episcopal Church in the State of New York,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Spinola
Colvin	Gardiner	Manierro	Ramsey	Truman
Connolly	Goss	Montgomery	Robertson	Warner
Ferry	Kelly	J. M. Murphy	Sessions	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to legalize the official acts of George Aldrich, as justice of the peace," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Prosser	Spinola
Colvin	Grant	Manierro	Ramsey	Truman
Connolly	Hammond	Montgomery	Robertson	Warner
Ferry	Kelly	J. M. Murphy	Rotch	Williams
Fiero	Lapham	P. P. Murphy	Sessions	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend the charter of the Catskill and Mountain Turnpike company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Prosser	Sessions
Colvin	Goss	McGraw	Ramsey	Truman
Connolly	Grant	Manierre	Robertson	Warner
Ferry	Hammond	Montgomery	Rotch	Williams
Fiero	Kelly	P. P. Murphy		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing and requiring school district number five, in the town and county of Niagara, to raise money by tax for school purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Prosser	Sessions
Colvin	Goss	McGraw	Ramsey	Truman
Connolly	Grant	Manierre	Robertson	Warner
Ferry	Hammond	Montgomery	Rotch	Williams
Fiero	Kelly	P. P. Murphy		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	P. P. Murphy	Spinola
Colvin	Goss	McGraw	Prosser	Truman
Connolly	Grant	Manierre	Robertson	Warner
Ferry	Hammond	Montgomery	Rotch	Williams
Fiero	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	P. P. Murphy	Sessions
Connolly	Goss	McGraw	Prosser	Truman

Ferry	Hammond	Manierre	Robertson	Warner	
Fiero	Kelly	Montgomery	Rotch	Williams	20

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to consolidate districts number six and fifteen, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,' passed April 7, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	Ramsey	Spinola	
Connolly	Grant	Montgomery	Robertson	Truman	
Ferry	Hammond	J. M. Murphy	Rotch	Warner	
Fiero	Kelly	P. P. Murphy	Sessions	Williams	
Gardiner	McGraw	Prosser			23

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to authorize the formation of a Mutual Insurance company in the towns of Rensselaerville and Westerlo, in the county of Albany, and the towns of Durham and Greenville, in the county of Greene."

"An act authorizing Courts of Sessions to transfer proceedings to the Oyer and Terminer."

"An act for the relief of the widow and children of Joseph Sayres, deceased."

"An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings."

"An act to constitute school district number one, in the town of Salina and county of Onondaga, a free school."

"An act to amend an act to incorporate the Savings bank of Utica."

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842 "

"An act to amend the Revised Statutes relative to treasurers' bonds."

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

"An act to amend section 23 of chapter 455 of the laws of 1847, in relation to highway damages."

"An act to amend section 1, chapter 701 of the laws of 1857, relative to the improvement of Westchester creek."

"An act to authorize the rebuilding a bridge across Great Sodus bay, in the town of Huron, in the county of Wayne."

"An act relative to disbursements in justices' courts.

"An act to amend the Revised Statutes in relation to the powers of county judges in cases of appeal to Courts of Sessions."

"An act to encourage and provide for a general vaccination in this State."

"An act to amend chapter 398 of the laws of 1854, entitled 'An act to provide for the enrollment of the militia and the organization of uniform corps, and the discipline of the military forces of this State,' passed April 17, 1854."

"An act to incorporate the East Brooklyn Savings banks, in the city of Brooklyn."

The bill entitled "An act to authorize the rebuilding a bridge across Great Sodus bay, in the town of Huron, in the county of Wayne," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Ramsey	Spinola
Connolly	Hammond	Manierre	Robertson	Truman
Ferry	Kelly	J. M. Murphy	Rotch	Warner
Fiero	Lapham	P. P. Murphy	Sessions	Williams
Gardiner	Lawrence	Prosser		

23

FOR THE NEGATIVE.

Grant 1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to disbursements in justices' courts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Connolly	Kelly	Manierre	Prosser	Sessions
Ferry	Lapham	Montgomery	Ramsey	Truman
Fiero	Lawrence	J. M. Murphy	Robertson	Warner
Goss	McGraw	P. P. Murphy	Rotch	Williams
Hammond				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of fire insurance companies,' passed June 25, 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	Prosser	Truman
Connolly	Hammond	Montgomery	Ramsey	Warner

Fiero	Kelly	J. M. Murphy	Robertson	Williams	
Goss	Lapham	P. P. Murphy	Sessions		19

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing Courts of Sessions to transfer proceedings to the Oyer and Terminer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	J. M. Murphy	Sessions	
Connolly	Grant	Lawrence	P. P. Murphy	Warner	
Ferry	Hammond	McGraw	Robertson	Williams	
Fiero	Kelly	Montgomery	Rotch		19

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of the widow and children of Joseph Sayres, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	McGraw	Prosser	Sessions	
Connolly	Hammond	Montgomery	Ramsey	Truman	
Ferry	Kelly	J. M. Murphy	Robertson	Warner	
Fiero	Lapham	P. P. Murphy	Rotch	Williams	
Goss	Lawrence				22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act to incorporate the Savings bank of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	P. P. Murphy	Truman	
Connolly	Grant	McGraw	Prosser	Warner	
Ferry	Kelly	Montgomery	Rotch	Williams	
Fiero	Lapham	J. M. Murphy			18

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	Manierre	Richmond	Spinola
Connolly	Kelly	Montgomery	Robertson	Truman
Ferry	Lapham	J. M. Murphy	Rotch	Warner
Fiero	Lawrence	P. P. Murphy	Sessions	Williams
Goss	McGraw	Prosser		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the East Brooklyn Savings bank in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lawrence	P. P. Murphy	Sessions
Colvin	Goss	McGraw	Ramsey	Spinola
Connolly	Grant	Manierre	Richmond	Truman
Ferry	Kelly	Montgomery	Robertson	Williams
Fiero	Lapham	J. M. Murphy	Rotch	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to constitute school district number one, in the town of Salina and county of Onondaga, a free school," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Ramsey	Sessions
Colvin	Hammond	Montgomery	Richmond	Spinola
Connolly	Kelly	J. M. Murphy	Robertson	Warner
Ferry	Lapham	P. P. Murphy	Rotch	Williams
Fiero	Lawrence			

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act amending the charter of the village of Seneca Falls," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	Richmond	Spinola
Colvin	Grant	McGraw	Robertson	Truman
Connolly	Hammond	Montgomery	Rotch	Warner
Ferry	Kelly	J. M. Murphy	Sessions	Williams
Fiero	Lapham	Ramsey		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to encourage and provide for a general vaccination in this State," was read a third time.

The President put the question whether the Senate would agree to

the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	Montgomery	Ramsey	Sessions
Colvin	Kelly	J. M. Murphy	Richmond	Spinola
Ferry	McGraw	P. P. Murphy	Robertson	Truman
Fiero	Manierre	Prosser	Rotch	

19

FOR THE NEGATIVE.

Goss	Grant	Lawrence		
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8

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill :

"An act declaring and confirming the location of the county buildings of the county of Schuyler, and providing for the holding of courts therein," which was read the first time, and by unanimous consent was also read the second time.

Mr. Robertson moved that said bill be referred to the committee on the judiciary.

Mr. Lawrence moved to amend by striking out "judiciary," and inserting in lieu thereof "internal affairs of towns and counties."

The President put the question whether the Senate would agree to said motion of Mr. Lawrence, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Connolly	Grant	Lawrence	Montgomery	Spinola
Gardiner	Kelly	Manierre	J. M. Murphy	Truman

10

FOR THE NEGATIVE.

Abell	Hammond	P. P. Murphy	Robertson	Sessions
Ferry	Lapham	Richmond	Rotch	Warner
Fiero	McGraw			

12

The President then put the question whether the Senate would agree to said motion of Mr. Robertson, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend the act to incorporate the village of Stillwater," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	Ramsey	Sessions
Connolly	Hammond	Montgomery	Richmond	Spinola
Ferry	Lapham	J. M. Murphy	Robertson	Truman
Fiero	McGraw	P. P. Murphy	Rotch	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to authorize the formation of a Mutual Insurance company in the towns of Rensselaerville and Westerlo, in

the county of Albany, and the towns of Durham and Greenville, in the county of Greene," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Manierre	Ramsey	Sessions
Connolly	Kelly	Montgomery	Richmond	Spinola
Ferry	Lapham	J. M. Murphy	Robertson	Truman
Fiero	Lawrence	P. P. Murphy	Rotch	Warner
Goss				

21

FOR THE NEGATIVE.

McGraw

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize appeals from judgments rendered by the police justice of the village of Corning," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardner	Lapham	Ramsey	Sessions
Connolly	Goss	Lawrence	Richmond	Spinola
Ferry	Hammond	Montgomery	Robertson	Truman
Fiero	Kelly	P. P. Murphy	Rotch	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in relation to the fees of grand and petit jurors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Montgomery	Robertson
Colvin	Grant	Lawrence	P. P. Murphy	Rotch
Connolly	Hammond	McGraw	Ramsey	Sessions
Ferry	Kelly	Manierre	Richmond	Warner
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act to amend the Revised Statutes relative to treasurers' bonds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	McGraw	P. P. Murphy	Rotch
Colvin	Kelly	Manierre	Ramsey	Sessions
Connolly	Lapham	Montgomery	Richmond	Truman
Fiero	Lawrence	J. M. Murphy	Robertson	Warner
Grant				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the Revised Statutes in relation to the powers of county judges in cases of appeal to Courts of Sessions," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Connolly	Grant	Lawrence	J. M. Murphy	Sessions
Ferry	Hammond	McGraw	Ramsey	Spinola
Fiero	Kelly	Manierre	Robertson	Warner
Goss	Lapham	Montgomery	Rotch	

19

FOR THE NEGATIVE.

Abell	Colvin	P. P. Murphy
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3

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the surviving trustees of the First Wesleyan Methodist Church, of Keeseville, to convey certain premises to Jacob Blaisdell, of Keeseville," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	Ramsey	Sessions
Colvin	Hammond	Montgomery	Richmond	Spinola
Ferry	Kelly	J. M. Murphy	Robertson	Truman
Fiero	Lapham	P. P. Murphy	Rotch	Warner
Gardiner	Lawrence			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend section 23 of chapter 455 of the laws of 1847, in relation to highway damages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	J. M. Murphy	Robertson
Colvin	Goss	McGraw	P. P. Murphy	Rotch
Connolly	Grant	Manierre	Ramsey	Sessions
Ferry	Kelly	Montgomery	Richmond	Warner
Fiero				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section one, chapter 701 of the laws of 1857, relative to the improvement of Westchester creek," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	P. P. Murphy	Rotch
Colvin	Grant	McGraw	Ramsey	Sessions
Connolly	Hammond	Manierre	Richmond	Truman
Ferry	Kelly	Montgomery	Robertson	Warner
Fiero	Lapham	J. M. Murphy		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act to provide for the widening of Atlantic avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue," having been announced,

Mr. Gardiner moved that said bill be recommitted to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Kelly	Manierre	Rotch
Connolly	Goss	Lapham	Ramsey	Sessions
Ferry	Grant	Lawrence	Richmond	Spinola
Fiero	Hammond	McGraw	Robertson	

19

FOR THE NEGATIVE.

Montgomery	Warner			
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2

Mr. Gardiner moved to reconsider the vote just taken, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Gardiner	Grant	Montgomery	Prosser	
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4

FOR THE NEGATIVE.

Colvin	Hammond	Lawrence	Ramsey	Sessions
Ferry	Kelly	Manierre	Richmond	Spinola
Fiero	Lapham	P. P. Murphy	Rotch	Warner
Goss				

16

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the negative.

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend chapter 398 of the laws of 1854, entitled 'An act to provide for the enrollment of the militia and the organization of uniform corps, and the discipline of the military forces of this State,' passed April 17, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	Prosser	Spinola
Colvin	Grant	Manierre	Ramsey	Truman
Connolly	Hammond	Montgomery	Richmond	Warner
Gardiner	Lapham	P. P. Murphy	Sessions	

19

FOR THE NEGATIVE.

Ferry	McGraw	J. M. Murphy	Rotch	Williams
Fiero				

6

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to annex part of the town of Italy, in Yates county, to the town of Naples, in Ontario county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Prosser	Spinola
Colvin	Grant	Manierre	Richmond	Truman
Connolly	Hammond	Montgomery	Robertson	Warner
Ferry	Kelly	J. M. Murphy	Rotch	Williams
Fiero	Lapham	P. P. Murphy	Sessions	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Grant	Lawrence	Prosser	Sessions
Connolly	Hammond	Manierre	Richmond	Spinola
Fiero	Kelly	Montgomery	Robertson	Warner
Goss	Lapham	J. M. Murphy	Rotch	Williams

20

FOR THE NEGATIVE.

Abell	Ferry	McGraw		
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3

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy," having been announced,

Mr. McGraw moved that said bill be recommitted to the committee on charitable and religious societies, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Colvin	Goss	Lawrence	Montgomery	Warner	
Connolly	Grant	McGraw	J. M. Murphy	Williams	
Gardiner	Kelly	Manierre	Spinola		14

FOR THE NEGATIVE.

Abell	Hammond	Prosser	Robertson	Sessions	
Ferry	Lapham	Ramsey	Rotch	Truman	
Fiero	P. P. Murphy	Richmond			13

Mr. Fiero moved that the vote on the bill entitled "An act to amend chapter 398 of the laws of 1854, entitled 'An act to provide for the enrollment of the militia and the organization of uniform corps, and the discipline of the military forces of this State,' passed April 17, 1854," be reconsidered, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Ferry	Fiero	McGraw	Robertson	Williams	5
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FOR THE NEGATIVE.

Abell	Grant	Lapham	Prosser	Sessions	
Colvin	Hammond	Montgomery	Richmond	Truman	
Connolly	Kelly	P. P. Murphy	Rotch	Warner	
Goss					16

Mr. Robertson moved that the bill entitled "An act to amend an act entitled 'An act to establish a Metropolitan Police district, and to provide for the government thereof,' passed April 15, 1857," be made the special order for Thursday evening next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Robertson moved that said bill be made the special order for Tuesday evening next.

Mr. Manierre moved to amend by striking out "Tuesday evening" and inserting "Wednesday morning."

Mr. Robertson moved to amend the amendment by making it Friday next at 11 A. M.

The President put the question whether the Senate would agree to said motion of Mr. Robertson, to make said bill the special order for "Friday morning at 11 A. M.," and it was decided in the negative, two-thirds not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Ramsey	Sessions
Colvin	Lapham	P. P. Murphy	Robertson	Warner
Ferry	McGraw	Prosser	Rotch	Williams
Fiero				

16

FOR THE NEGATIVE.

Connolly	Hammond	Lawrence	J. M. Murphy	Spinola
Gardiner	Kelly	Manierre	Richmond	Truman
Grant				

11

Mr. Robertson moved to amend so as to make it the special order for Monday morning.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Robertson moved to amend so as to make it the special order for Tuesday evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Robertson moved to make it the special order for Wednesday evening, unless sooner reached.

Pending the question,

Mr. Spinola moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Robertson, and it was decided in the negative.

Mr. Spinola moved to make it the special order for Friday evening of next week.

Pending the question,

On motion of Mr. Robertson, the Senate adjourned.

SEVEN O'CLOCK.

The Senate again met.

The President presented a communication from the Comptroller, in reply to a resolution of the Senate relating to publication of State canvass, which was laid on the table and ordered printed.

(See Doc. No. 60.)

The President also presented a communication from the Comptroller, in reply to a resolution of the Senate in relation to revenue of Onondaga Salt Springs, which was laid on the table and ordered printed.

(See Doc. No. 62.)

Mr. Lawrence moved that the bill entitled "An act for the relief of Josiah Blackwell," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole,

and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act authorizing the board of supervisors of the county of New York, to levy a tax for county purposes, and to regulate the expenditure thereof, and also to borrow money in anticipation of the collection of said tax, and to issue 'county revenue bond' therefor."

"An act for the relief of Joseph Blackwell."

Assembly bill, "An act to incorporate the 'German Liederkrantz,' of the city of New York."

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Spinola, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Spinola, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Robertson moved that the bill entitled "An act in relation to the planting of oysters within the waters of this State," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lapham moved that the bill entitled "An act providing for the assessment of the amount to be paid for Croton water at Sing Sing prison," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lawrence moved that the bill entitled "An act to authorize the establishing and running of a ferry between the towns of Riverhead, Sag Harbor and Greenport, in Suffolk county, Long Island," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to the planting of oysters within the waters of this State."

"An act providing for the assessment of the amount to be paid for Croton water at Sing Sing prison."

"An act to authorize the establishing and running of a ferry between the towns of Riverhead, Sag Harbor and Greenport, in Suffolk county, Long Island."

After some time spent thereon, the President resumed the chair,

and Mr. Connolly, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Connolly, from the same committee, reported that they had substituted for the last named bill the bill entitled "An act to establish and maintain a steamboat ferry between Greenport and Sag Harbor, in the county of Suffolk," and in favor of the passage of the same, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Spinola asked and obtained leave to offer the following resolution:

Resolved, (if the Assembly concur,) That a respectful message be sent to His Excellency the Governor, requesting the return of the bill entitled "An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes," which passed the Senate March 7, and the Assembly March 12, 1860.

Ordered, That said resolution be laid on the table.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to amend an act entitled 'An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes,'" which was read the first time, and by unanimous consent was also read the second time.

Mr. Spinola moved that said bill be referred to the first committee of the whole, to-morrow.

Mr. McGraw moved to amend so as to refer to the committee on charitable and religious societies.

The President put the question whether the Senate would agree to said motion of Mr. McGraw, and it was decided in the affirmative.

Mr. Ramsey moved that the Assembly bill entitled "An act to amend chapter 464 of the laws of 1847," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. J. M. Murphy moved that the Assembly bill entitled "An act to incorporate the 'German Liederkrantz,' of the city of New York," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent,

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Lyons,' passed April 17, 1854, and the acts amending the same," reported in favor of the passage of the same.

On motion of Mr. Williams, and by unanimous consent, the rule was suspended and said bill recommitted to the committee on the incorporation of cities and villages, with power to report complete.

By unanimous consent,

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent,

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend chapter 435 of the laws of 1859, entitled 'An act for the relief of the Ausable Plank-road company,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent,

Mr. Hammond, from the committee on the judiciary, to which was referred the petition of Squire Whipple for settlement of the claim for use of his patent iron truss bridges on the canals, reported by bill entitled "An act providing for the settlement of the claim of Squire Whipple for the use of his patent iron truss bridge on the canals of this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the 75th section of the 2d art. of title 1st, chap. 1st, and part 2d of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent,

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to make better provision for the punishment of frauds committed by trustees, bankers and other persons intrusted with property," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

By unanimous consent,

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of insolvent debtors," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent,

Mr. Warner, from the majority of the committee on charitable and religious societies, to which was referred the petition of citizens of Brooklyn, for the passage of a law authorizing St. Ann's Church, to sell property on Fulton street, reported by bill entitled "An act to authorize the rector, church wardens and vestrymen of St. Ann's Church, Brooklyn, to sell their burial ground and remove remains therefrom," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Connolly moved that the bill entitled "An act to incorporate

the Transit Life Insurance company," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to amend chapter 464 of the laws of 1847."

"An act to incorporate the 'German Liederkrantz,' of the city of New York."

Also, "An act to incorporate the Transit Life Insurance company."

After some time spent thereon, the President resumed the chair, and Mr. Grant, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Grant, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which reports were agreed to, and said bills ordered to a third reading.

On motion of Mr. Goss, the Senate adjourned.

WEDNESDAY, MARCH 14, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Rogers.

The journal of yesterday was read and approved.

By unanimous consent,

Mr. Warner, from the majority of the committee on charitable and religious societies, to which was recommitted the bill entitled "An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The President announced the special order, being the Assembly bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein."

Mr. Sessions moved to recommit said bill to the select committee on that subject.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell
Blood
Colvin

Connolly
Gardiner
Grant

Hillhouse
Kelly
Lawrence

Manierre
J. M. Murphy
Roth

Sessions
Spinola

FOR THE NEGATIVE.

Bell	Hammond	Montgomery	Prosser	Robertson
Ferry	Ketcham	Munroe	Ramsey	Truman
Fiero	Lapham	P. P. Murphy	Richmond	Warner
Goss	McGraw			

17

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said special order.

After some time spent therein, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

Mr. P. P. Murphy moved that the executive session be postponed one hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, pending at the hour of executive session, being the Assembly bill entitled as follows:

"An act imposing tolls upon property transported upon certain railroads referred to herein."

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Prosser moved that said bill be made the special order for this evening at 7 o'clock.

Mr. Lawrence moved to amend so as to make it the special order for to-morrow, immediately after reading the journal.

Mr. Gardiner moved to amend so as to make it the special order for 7 o'clock to-morrow evening.

The President put the question whether the Senate would agree to said motion of Mr. Gardiner, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Lawrence, and it was decided in the affirmative.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act for the construction, regulation, maintenance and government of the Central Park in the city of New York, and to provide additional means therefor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act authorizing the town of Yonkers to raise money by loan to Macadamize the Albany Post road from King's Bridge to Yonkers, and to plank the causeway leading from King's Bridge to Spuyten Duyvil bridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. P. P. Murphy, from the committee on railroads, to which

was referred the Assembly bill entitled "An act supplementary to an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisiana, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the bill entitled "An act to regulate the rate of milk freight on the New York and Erie railroad," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the inhabitants of the town of Hempstead, in Queens county, to elect five assessors for said town," reported in favor of the passage of the same.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended and said bill recommitted to the committee on the internal affairs of towns and counties, with power to report complete.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the petition of citizens of Cohecton, for the preservation of deer in said town, reported in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioner be denied; which report was agreed to.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to provide for the election of town auditors, and in relation to auditing town charges," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to allow the town of Brookhaven, in the county of Suffolk, to elect one collector in each election district," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing the conveyance in trust of certain lands at Hunter's and Green Point, Long Island, owned by L. K. Ely and others," reported in favor of the passage of the same.

On motion of Mr. Ramsey, and by unanimous consent, said bill was recommitted to the committee on the judiciary, with power to report complete.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to

amend an act entitled 'An act to incorporate the village of Lyons,' passed April 17, 1854," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Manierre moved that the Assembly bill entitled "An act authorizing the board of supervisors of the county of New York, to levy a tax for county purposes, and to regulate the expenditure thereof, and also to borrow money in anticipation of the collection of said tax, and to issue 'county revenue bonds' therefor," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lawrence	P. P. Murphy	Sessions
Bell	Goss	McGraw	Prosser	Spinola
Blood	Grant	Manierre	Ramsey	Truman
Colvin	Kelly	Munroe	Richmond	Warner
Connolly	Ketcham	J. M. Murphy	Robertson	Williams
Fiero	Lapham			

27

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to authorize the board of education of the city of Syracuse, to dispose of Gospel and School lot in the first ward of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act in relation to the High School in the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and the bill entitled "An act to incorporate the Hyde Park Fire department, in Dutchess county," was recommitted to the committee on the internal affairs of towns and counties, with power to report complete.

On motion of Mr. Connolly, and by unanimous consent, the rule was suspended, and the Assembly bill entitled "An act for the construction, regulation, maintenance and government of the Central Park, in the city of New York, and to provide additional means therefor," was recommitted to the committee on the incorporation of cities and villages, with power to report complete.

By unanimous consent, Mr. Grant presented three petitions of citizens of Orange county, for fixed rate of freight on milk passing

over the New York and Erie railroad, which were read and committed to the committee of the whole.

By unanimous consent, Mr. Goss presented seven petitions of citizens of Monroe county, for tolls on railroads, and pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act for the relief of Josiah Blackwell."

"An act to amend the act entitled 'An act authorizing the incorporation of Rural Cemetery Association,' passed April 27, 1847."

"An act to establish and maintain a steamboat ferry between Greenport and Sag Harbor, in the county of Suffolk."

"An act in relation to the collection of county taxes in the city of Rochester, in the county of Monroe."

"An act to incorporate the Corning Savings bank."

"An act to authorize the treasurer of Monroe county to collect certain taxes."

A message from the Assembly was received, informing that they had non-concurred in the passage of the following entitled bill:

"An act to authorize the construction of a railroad in 7th avenue and other streets and avenues in the city of New York."

On motion of Mr. Abell, the Senate adjourned.

THURSDAY, MARCH 15, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

The President announced the special order, being the Assembly bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein."

Mr. Williams moved to postpone said special order until 11 o'clock.

Mr. Robertson moved to amend by striking out "11" and inserting "12."

The President put the question whether the Senate would agree to said motion of Mr. Robertson, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Williams, and it was decided in the affirmative.

Mr. J. M. Murphy presented a petition of G. Finn and wife, for release of property in Oliver street, New York, which was read and referred to the committee on the judiciary.

Mr. Blood presented a petition of citizens of Montgomery county, for an abolition of the gallows, which was read and referred to the committee on the judiciary.

Mr. Connolly presented two petitions of inhabitants of New York, in favor of opening and extending Madison avenue, in said city, which were read and committed to the committee of the whole.

Mr. Ketcham presented a petition of inhabitants of Hyde Park, Dutchess county, to incorporate the Hyde Park Fire department, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Robertson presented a petition of tax-payers of school district number two, in the village of Yonkers, for a law authorizing the board of education to sell or exchange school house sites, which was read and referred to the committee on literature.

Mr. Lawrence presented a remonstrance of tax-payers and others, of the city of Brooklyn, against the proposed public market in said city, which was read and referred to the committee on the incorporation of cities and villages.

Messrs Munroe, Connolly and P. P. Murphy presented petitions of citizens of New York, Onondaga and Genesee counties, for a pro rata freight law, which were read and referred to the select committee on that subject.

Messrs. Ferry, Manierre, P. P. Murphy and Williams presented remonstrances of citizens of Wayne, Orleans, Niagara, New York and Oneida counties, against passage of pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Hyde Park Fire department, in Dutchess county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the inhabitants of the town of Hempstead, in Queens county, to elect five assessors for said town," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act authorizing the town of Southfield, Richmond county, to purchase a site for a town house, and also to establish and maintain a jail or lock-up in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the appointment of deputy inspectors of gas meters, to reside in different parts of the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act in relation to street railways in the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Fiero, from a majority of the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to abolish the board of commissioners of excise of the county of Chautauqua, and confer their powers and duties upon the justices of the peace in the several towns in said county, and the overseers of the poor therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Corn Exchange Warehousing company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing the conveyance in trust of certain lands at Hunter's and Green Point, Long Island, owned by L. K. Ely and others," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend art. 4, of title 1, of chap. 18, of part 1 of the Revised Statutes, entitled 'Of the incorporation of companies to construct Plankroads, and to construct Turnpike roads,'" reported that they had made sundry amendments thereto, and had also amended the title so as to read as follows: "An act to allow the Syracuse and Tully Plankroad company to appeal in certain cases," and in favor of the passage of the same, as amended, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lapham, from a majority of committee on roads and bridges, to which was recommitted the bill entitled "An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river, in said town," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act giving to the purchaser or purchasers of the property and franchises of the Buffalo and Batavia Plankroad company, all the corporate rights and franchises of said company on a sale by the receiver," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act relative to the toll gate on the Albion Plankroad,' passed April 15, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the stockholders of the Fort Plain and Cooperstown Plankroad company

to change the day for holding the annual election of directors of said company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on poor laws, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the poor laws of the county of Herkimer,'" reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to change the time of holding charter elections in the village of Clyde, in the county of Wayne," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Williams, and by unanimous consent, the rule was suspended and said bill referred to the committee on the incorporation of cities and villages, with power to report complete.

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act authorizing the reports of the male and female State Prisons to be made separately," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act fixing the fees of Sheriffs for transporting convicts to the State Prisons,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act in relation to attempts to escape by convicts in State Prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act for the release of certain lands of which John McCall died seized, to Rebecca McCall, his widow," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes in relation to the penalties for violation of the election laws," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on privileges and elections.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to enable the board of education of the town of Yonkers, Westchester county, to dispose of school property by sale or otherwise," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to incorporate the Transit Life Insurance company."

"An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy."

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad track on South, West and certain other streets in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad in certain streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act to incorporate the Metropolitan Savings Institution, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to incorporate the Babylon Mutual Insurance company, of Suffolk county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to change the time of the election of overseer of the Aurora road district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to authorize the treasurer of Monroe county to collect certain taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	P. P. Murphy	Sessions
Colvin	Hammond	Montgomery	Ramsey	Truman
Connolly	Kelly	Munroe	Richmond	Warner
Ferry	Ketcham	J. M. Murphy	Robertson	Williams
Fiero	Lapham			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ferry moved to take from the table the motion to reconsider the vote on the bill entitled "An act to amend section 37, article 2, title 4, chapter 2, of part 4 of the Revised Statutes, entitled 'Of indictments and proceeding thereon.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	P. P. Murphy	Spinola	
Colvin	Hammond	Lapham	Ramsey	Truman	
Connolly	Hillhouse	Montgomery	Richmond	Warner	
Ferry	Kelly	Munroe	Sessions	Williams	20

FOR THE NEGATIVE.

Grant	1
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Ordered. That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to repeal certain sections of the act entitled 'An act to enlarge the powers and define the duties of the contracting board,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Montgomery	Ramsey	Sessions	
Ferry	Ketcham	Munroe	Richmond	Warner	
Fiero	Lapham	P. P. Murphy	Robertson	Williams	
Goss	McGraw				17

FOR THE NEGATIVE.

Blood	Connolly	Grant	Lawrence	Spinola	
Colvin	Gardiner	Kelly	J. M. Murphy	Truman	10

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act authorizing a grant of half an acre of land in lot fifty-one, Stirling, to the trustees of the Free Will Baptist Church, and their successors, in the town of Wolcott, Wayne county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	J. M. Murphy	Rotch	
Blood	Gardiner	Lapham	P. P. Murphy	Sessions	
Colvin	Goss	McGraw	Ramsey	Truman	
Connolly	Hillhouse	Montgomery	Richmond	Warner	
Ferry	Kelly	Munroe	Robertson	Williams	25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the bill entitled "An act to amend chapter 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises,'" having been announced,

Mr. Goss moved to recommit said bill to the committee of the whole, with instructions to strike out the enacting clause.

Pending the question on the motion of Mr. Goss,

The hour of 11 o'clock having arrived, the President announced the special order, being the bill entitled as follows:

"An act imposing tolls upon property transported upon certain railroads referred to herein."

Mr. Colvin moved to postpone said special order for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Goss, and it was decided in the negative.

The bill entitled "An act to amend chapter 8, title 9, part 3d of the Revised Statutes, entitled 'Of proceedings for the recovery of rent, and of demised premises,'" was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Blood	Grant	Manierre	Ramsey	Spinola
Colvin	Kelly	Montgomery	Richmond	Truman
Connolly	Ketcham	J. M. Murphy	Rotch	Warner
Gardiner	Lawrence	P. P. Murphy	Sessions	

19

FOR THE NEGATIVE.

Abell	Ferry	Goss	Lapham	Munroe
Bell	Fiero	Hillhouse	McGraw	

9

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the collection of county taxes in the city of Rochester, in the county of Monroe," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Sessions
Bell	Hillhouse	Manierre	Prosser	Truman
Blood	Kelly	Montgomery	Ramsey	Warner
Ferry	Ketcham	Munroe	Richmond	Williams
Fiero	Lapham	J. M. Murphy	Robertson	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Josiah Blackwell," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	P. P. Murphy	Rotch
Bell	Hillhouse	McGraw	Prosser	Sessions
Blood	Kelly	Montgomery	Ramsey	Spinola
Colvin	Ketcham	Munroe	Richmond	Truman
Connolly	Lapham	J. M. Murphy	Robertson	Warner
Gardiner				

26

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of half-past eleven having arrived, the President announced the special order, being the bill entitled as follows:

"An act imposing tolls upon property transported upon certain railroads referred to herein."

Mr. Spinola moved to postpone for twenty minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend the act entitled 'An act authorizing the incorporation of Rural Cemetery Association,' passed April 27, 1847," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lawrence	Prosser	Spinola
Bell	Goss	McGraw	Ramsey	Truman
Colvin	Hillhouse	Montgomery	Richmond	Warner
Connolly	Kelly	Munroe	Robertson	Williams
Fiero	Lapham	P. P. Murphy	Rotch	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Corning Savings bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Montgomery	Rotch
Bell	Gardiner	Ketcham	Munroe	Sessions
Colvin	Goss	Lapham	J. M. Murphy	Spinola
Connolly	Grant	McGraw	P. P. Murphy	Williams
Ferry	Hammond			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to establish and maintain a steamboat ferry between Greenport and Sag Harbor, in the county of Suffolk," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	P. P. Murphy	Spinola
Bell	Gardiner	Lawrence	Prosser	Truman
Colvin	Goss	McGraw	Robertson	Warner
Connolly	Hammond	Montgomery	Rotch	Williams
Ferry	Hillhouse	J. M. Murphy	Sessions	24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the German Liederkranz,' of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	J. M. Murphy	Sessions
Bell	Hammond	Lawrence	P. P. Murphy	Spinola
Connolly	Kelly	Montgomery	Richmond	Truman
Fiero	Ketcham	Munroe	Robertson	Williams
				20

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to amend chapter 464 of the laws of 1847," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	McGraw	Robertson
Colvin	Gardiner	Lapham	Montgomery	Spinola
Connolly	Hammond	Lawrence	J. M. Murphy	Warner
Ferry	Kelly			
				17

FOR THE NEGATIVE.

Abell	Grant	Munroe	Richmond	Truman
Goss	Hillhouse	Prosser	Sessions	Williams
				10

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the bill entitled "An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy," having been announced,

Mr. Spinola moved to recommit said bill.

Pending the question on the motion of Mr. Spinola,

The hour of ten minutes to 12 having arrived, the President announced the special order, being the Assembly bill entitled as follows :

"An act imposing tolls upon property transported upon certain railroads referred to herein."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee reported progress thereon, and asked and obtained leave to sit again.

Mr. Sessions moved to make said bill the special order for this evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the further special order, being the bill entitled as follows :

"An act concerning the Commissioners of Emigration and the Marine Hospital."

Mr. Truman moved that said special order be postponed until to-morrow evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to form a separate road district of all that part of the city of Albany lying west of Allen street, and to exempt the same from certain taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend sec. 1, of title 6, of chap. 20 of the first part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Kelly asked and obtained leave to introduce a bill entitled "An act to alter the map or plan of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Colvin asked and obtained leave to offer the following resolution :

Resolved, (if the Assembly concur,) That our Senators in Congress be instructed, and our Representatives be requested to favor by their votes and influence, the passage of a law by the present Congress, making an appropriation for the improvement of the navigation of the Hudson river, near the city of Albany; and that the clerks of the Senate and Assembly, transmit to each of our Senators and Representatives a duly certified copy of this resolution.

Ordered, That said resolution be laid on the table.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Ramsey presented a petition to repeal the act passed March 8, 1860, in relation to division of 4th ward, in the city of Schenectady, which was read and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Lapham presented a petition of about thirty citizens of Plattsburgh—Democrats, Americans and Republicans—in favor of a pro rata freight law, which was read and referred to the select committee on that subject.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

“An act imposing tolls upon property transported upon certain railroads referred to herein.”

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Warner moved that said bill be made the special order for 10 o'clock to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled “An act to incorporate the Hoboken and Williamsburgh Railroad company,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled “An act to amend the law in relation to the division of line fences between the owners of adjoining lands,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hammond, from the committee on the judiciary, to which was referred the petition of James S. Wadsworth, for an amendment of chapter 295 of the laws of 1852, reported by bill entitled “An act to amend an act entitled ‘An act to enable Charles James Murray, an infant alien, to take and hold real estate,’ which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the papers relating to Gertrude C. Doe, for relief, reported by bill entitled “An act for the relief of Gertrude C. Doe,” which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Doc. No. 65.)

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled “An act for the protection of boarding

house keepers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the disposition and custody of minor children," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 312 of the laws of 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to limited partnership," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the election of Thomas V. Russell as district attorney for the county of St. Lawrence," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act for the release of certain lands of which John McCall died seized, to Rebecca McCall his widow," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to the Attorney General's office," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend article 2d of title 3, of chapter 6, of part 2d of the Revised Statutes," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to secure to creditors a just division of the estates of debtors," reported adversely thereto, which report was agreed to, and said bill rejected.

On motion of Mr. Lawrence, the Senate adjourned.

FRIDAY, MARCH 16, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Pomfret.

The journal of yesterday was read and approved.

Mr. Grant presented three petitions of farmers and dairymen of Orange county, for a fixed rate of milk freight on the New York and Erie railroad, which were read and committed to the committee of the whole.

Mr. Blood presented a petition of inhabitants of Montgomery co., for the abolition of capital punishment, which was read and referred to the committee on the judiciary.

Mr. Manierre presented a remonstrance of property owners on 51st street, New York, against the passage of a law for the grading of said street, which was read and referred to the committee on the incorporation of cities and villages.

Also, three remonstrances of citizens of same city, against proposed change in the Metropolitan police law, which were read and committed to the committee of the whole.

Mr. Ketcham presented a remonstrance of citizens of Dutchess county, against a new jail in said county; also, a petition of grand jury of same county, in favor of a new jail in said county; which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Gardiner presented a remonstrance of citizens of Brooklyn, against public markets in said city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Blood presented a remonstrance of citizens of Saratoga county, against pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Grant presented three remonstrances of citizens of Orange and Delaware counties, on the same subject, which were read and referred to the select committee on that subject.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to change the time of holding the charter election in the village of Clyde, in the county of Wayne," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act for the construction, regulation, maintenance, and government of the Central Park, in the city of New York, and to provide additional means therefor," with power to report complete, reported the same complete, with amendments.

Mr. Robertson moved to recommit said bill to the committee on the incorporation of cities and villages, with instructions to strike out said amendments, and report forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act supplementary to an act entitled 'An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Brooklyn,' passed April 23, 1835," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to pro-

vide for the election of fire bell ringers in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manicrre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to repeal the act appointing commissioners of records in the city and county of New York," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Williams, from the committee on banks, to which was referred the bill entitled "An act in relation to the bank deposit and custodian of public money in New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to incorporate the Dyckman Library, in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act relating to the High School of the city of Syracuse," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to authorize the board of education of the city of Syracuse, to dispose of Gospel and School lot in the first ward of said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on grievances, to which was referred the Assembly bill entitled "An act for the relief of Daniel Cameron," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to punish the fraudulent sale or concealment of property held under chattel mortgage," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Grant, from a minority of the committee on charitable and religious societies, to which was referred the bill entitled "An act to allow the members of charitable, religious and scientific societies to vote by proxy," reported in writing, adversely thereto.

(See Doc. No. 66.)

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was recommitted the Assembly bill entitled "An act for the construction, regulation, maintenance and government of the Central Park, in the city of New York, and to provide additional means therefor," with power to report complete, reported the same complete, amended as directed by the Senate, which report was agreed to, and said bill ordered to a third reading.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the act to incorporate the village of Dansville, passed June 4, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to legalize the incorporation of the village of Wilson, in the county of Niagara, and to grant to said incorporation additional powers to those given by an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to organize a fire department in the village of Delhi, Delaware county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ketcham, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to incorporate the Hyde Park fire department, in Dutchess county."

"An act to amend an act to incorporate the village of Lyons, passed April 17, 1854."

The hour of half-past ten having arrived, the President announced the special order, being the Assembly bill entitled as follows:

"An act imposing tolls upon property transported upon certain railroads referred to herein."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said special order.

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported that they had made sundry amendments thereto, and had also amended the title so as to read as follows: "An act to levy and collect tolls on freight transported and to regulate fare on certain railroads in this State, and to provide means for paying the interest and principal of the State debt," and in favor of the passage of the same, as amended.

Mr. Munroe moved to recommit said bill to the committee of the whole, with instructions to strike out the second section of the bill, as amended, being in the words following:

Sec. 2. The railroad companies, or either of them, mentioned in the first section of this act, may elect to pay the following sums in gross, to the credit of the canal fund, instead of the payment of tolls as required by the first section of this act. Such gross sums to be paid in equal quarterly payments, or sooner, if either of the said roads desire. The New York Central railroad company shall pay the sum of \$500,000; the New York and Erie railroad company the sum of \$240,000; the Buffalo and New York and Erie railroad company the sum of \$15,000; the Oswego and Syracuse railroad company the sum of \$7,700; the Northern railroad company the sum of

\$5,000; the Rensselaer and Saratoga railroad company the sum of \$4,000; the Saratoga and Whitehall railroad company the sum of \$2,000; the Syracuse, Binghamton and New York railroad company the sum of \$8,000, the Watertown and Rome railroad company the sum of \$4,000; the Cayuga and Susquehanna railroad company the sum of \$1,300; the Rochester and Genesee Valley railroad company the sum of \$700; the Elmira, Jefferson and Canandaigua railroad company the sum of \$7,000; the Troy and Boston railroad company the sum of \$1,000; the Albany and Vermont railroad company the sum of \$800. The New York Central railroad company, is hereby authorized to demand and receive not to exceed two and a half cents per mile for way fare on said road during the said three years, in case the preceding section shall remain in force so long.

Insert in lieu thereof, the following :

Sec. 2. The said railroad companies shall transport property hereafter upon the said roads when the same shall be tendered and delivered to them, subject to tolls, as prescribed in the first section of this act, and shall make monthly statements thereof to the Auditor of the Canal Department in such form as he shall direct, and shall pay the tolls thereon in such manner as the Commissioners of the Canal Fund shall require, and the said Commissioners are hereby authorized to prescribe the manner of such payment, and to enforce the collection of the same by an action at law.

Mr. Prosser called for a division of the question.

The President put the question whether the Senate would agree to so much of the motion as follows: "The New York Central railroad company is hereby authorized to demand and receive not to exceed two and a half cents per mile for way fare on said road during the said three years, in case the preceding section shall remain in force so long," and the vote was as follows :

FOR THE AFFIRMATIVE.

Abell	Ketcham	Munroe	Ramsey	Truman
Bell	McGraw	P. P. Murphy	Richmond	Warner
Ferry	Montgomery	Prosser	Rotch	Williams
Goss				

16

FOR THE NEGATIVE.

Blood	Gardiner	Hillhouse	Lawrence	Robertson
Colvin	Grant	Kelly	Manierre	Sessions
Connolly	Hammond	Lapham	J. M. Murphy	Spinola
Fiero				

16

There being a tie, the President voted in the affirmative, and decided the motion carried.

The President then put the question whether the Senate would agree to the remainder of the motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner
Ferry	Montgomery	Prosser	Rotch	Williams
Goss	Munroe	Ramsey	Truman	

14

FOR THE NEGATIVE.

Abell	Fiero	Hillhouse	Lawrence	Robertson
Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	J. M. Murphy	Spinola
Connolly	Hammond	Lapham		

18

Mr. Spinola moved to reconsider the vote on so much as relates to recommitting with instructions that part of the motion relating to the payment of fare.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Kelly	Lawrence	Robertson
Colvin	Grant	Ketcham	Manierre	Sessions
Connolly	Hammond	Lapham	J. M. Murphy	Spinola
Fiero	Hillhouse			

17

FOR THE NEGATIVE.

Abell	Goss	Munroe	Ramsey	Truman
Bell	McGraw	P. P. Murphy	Richmond	Warner
Ferry	Montgomery	Prosser	Rotch	Williams

15

The President then put the question whether the Senate would agree to said motion to recommit, with instructions to strike out said portion of the section relating to the payment of fare, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner
Ferry	Montgomery	Prosser	Rotch	Williams
Goss	Munroe	Ramsey	Truman	

14

FOR THE NEGATIVE.

Abell	Fiero	Hillhouse	Lawrence	Robertson
Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	J. M. Murphy	Spinola
Connolly	Hammond	Lapham		

18

Mr. Bell renewed the motion made in committee of the whole, to amend by striking out the word "or" in the thirtieth line of the first section of the printed bill, and after the word "States" add, "and upon all points west of Bellville, in."

The President put the question whether the Senate would agree to said motion, it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Lapham	P. P. Murphy	Truman
Ferry	Hillhouse	Montgomery	Richmond	Warner
Goss				

11

FOR THE NEGATIVE.

Abell	Gardiner	Lawrence	J. M. Murphy	Rotch
Blood	Grant	McGraw	Prosser	Sessions
Colvin	Kelly	Manierre	Ramsey	Spinola
Connolly	Ketcham	Munroe	Robertson	Williams
Fiero				

21

Mr. Colvin renewed the amendment made in committee of the whole, to strike out the "Albany and Vermont railroad company."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Colvin	McGraw	Prosser	Richmond	Truman
Ferry	Montgomery	Ramsey	Rotch	Warner
Lapham	Munroe			

13

FOR THE NEGATIVE.

Abell	Fiero	Hillhouse	Manierre	Sessions
Bell	Gardiner	Kelly	J. M. Murphy	Spinola
Blood	Goss	Ketcham	P. P. Murphy	Williams
Connolly	Grant	Lawrence	Robertson	

19

Mr. McGraw moved to recommit said bill to the committee of the whole, with instructions to strike out all after the enacting clause, and inserting in lieu thereof the Assembly bill, being in the words following :

Sec. 1. The Canal Board is hereby authorized and required to levy and impose the same rates of toll, per mile, upon all property transported hereafter upon the New York Central railroad, the Oswego and Syracuse railroad, the Albany and Vermont railroad, the Rensselaer and Saratoga railroad, the Saratoga and Whitehall railroad, the Chemung railroad, the Rochester and Genesee Valley railroad and the Genesee Valley railroad, from the first day of April to the first day of December in each year, as they do upon the canals of the State; and during the same time the said board is authorized and required to impose three-fourths of the same rates of toll, per mile, upon all property transported from tide water upon the New York and Erie railroad, the Buffalo, New York and Erie railroad, the Niagara bridge and Canandaigua railroad, the Syracuse, Binghamton and New York railroad, and the Elmira, Jefferson and Canandaigua railroad, destined to the city of Buffalo or Suspension bridge, or to any point beyond those places, or beyond Dunkirk, out of the State, or to the city of Syracuse or the city of Rochester; and upon all property coming from Rochester or Syracuse; and upon all property coming from Suspension bridge, Buffalo or Dunkirk, produced in, or coming from other States or Canada, and destined to the city of New York or to tide water. And the said board, during the same time, is further authorized and required to impose the same rates of toll, per mile, as they do upon the canals of the State upon all property transported upon the Ogdensburgh railroad coming from east of the State line or from tide water, and destined to any place beyond or west of Ogdensburgh, and upon all property transported upon said road coming from any place west of Ogdensburgh, and destined to any point east of the State line or to tide water. And the said board is authorized and required, during the time aforesaid, to impose such amount of tolls as would be chargeable on the same property if transported between Rome and Oswego by canal, upon all property coming from or destined to other States or Canada, and passing over the whole length of the Rome and Watertown railroad, or the Ogdensburgh railroad. But no toll shall be charged upon live stock, fresh meats, fresh fish, game and poultry of any kind, carried on any railroad.

Sec. 2. The said railroad companies shall transport property hereafter upon the said roads when the same shall be tendered and delivered to them, subject to tolls, as prescribed in the first section of this act, and shall make monthly statements thereof to the Auditor of the Canal Department in such form as he shall direct, and shall pay the tolls thereon in such manner as the Commissioners of the Canal Fund shall require, and the said Commissioners are hereby authorized to prescribe the manner of such payment, and to enforce the collection of the same by an action at law.

Sec. 3. If either of the said roads shall refuse or neglect to make

the statements, pay the tolls, and perform the other duties imposed upon them by the provisions of this act, it shall forfeit to the people of this State for every day of such neglect or refusal, the sum of ten thousand dollars, and in every case of such forfeiture or neglect, it shall be the duty of the Attorney General to sue for, and collect the same by an action at law in the name of the people of this State.

Sec. 4. All acts and parts of acts inconsistent with this act, are hereby repealed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner	
Ferry	Montgomery	Prosser	Rotch	Williams	
Goss	Munroe	Ramsey	Truman		14

FOR THE NEGATIVE.

Abell	Fiero	Hillhouse	Lawrence	Robertson	
Blood	Gardiner	Kelly	Manierre	Sessions	
Colvin	Grant	Ketcham	J. M. Murphy	Spinola	
Connolly	Hammond	Lapham			18

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Lapham	Robertson	
Blood	Gardiner	Kelly	Manierre	Sessions	
Colvin	Grant	Ketcham	J. M. Murphy	Spinola	
Connolly	Hammond				17

FOR THE NEGATIVE.

Bell	Lawrence	Munroe	Ramsey	Truman	
Ferry	McGraw	P. P. Murphy	Richmond	Warner	
Goss	Montgomery	Prosser	Rotch	Williams	15

'Ordered, That said bill be read a third time.

Mr. Hammond moved that the final vote on said bill be taken forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Prosser moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Hammond moved that the final vote on said bill be taken this evening at 7½ o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Hammond moved that the final vote on said bill be taken to-morrow morning at 11 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows :

"An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village."

"An act authorizing the board of supervisors of the county of New York, to levy a tax for county purposes, and to regulate the expenditure thereof, and also to borrow money in anticipation of the collection of said tax, and to issue 'county revenue bonds' therefor."

Ordered, That the Clerk return said bills to the Assembly.

By unanimous consent, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act for the better protection of steam-boat piers in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. J. M. Murphy, from the joint library committee, presented a report on the condition of the State Library, which was laid on the table and ordered printed.

(*See Doc. No. 67.*)

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Manierre asked and obtained leave to offer the following resolution :

Resolved, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Corn Exchange Warehousing company," and that it be recommitted to the committee on commerce and navigation, with power to report complete.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Colvin moved to take from the table the following resolution :

Resolved, (if the Assembly concur,) That our Senators in Congress be instructed, and our Representatives be requested to favor by their votes and influence, the passage of a law by the present Congress, making an appropriation for the improvement of the navigation of the Hudson river, near the city of Albany; and that the clerks of the Senate and Assembly, transmit to each of our Senators and Representatives a duly certified copy of this resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Gardiner asked and obtained leave to introduce a bill entitled "An act to incorporate the Gymnasium of the Brooklyn Young Men's Christian Association," which was read the first time, and by unanimous consent was also read the second

time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the town of Westchester, in the county of Westchester, to build a dock at the end of a new road on Eastchester bay," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Robertson also presented a petition in favor of authorizing the town of Westchester, in the county of Westchester, to raise money for that purpose, which was read and committed to the committee of the whole.

By unanimous consent, Mr. Blood presented a petition of inhabitants of Montgomery county, for the abolition of capital punishment, which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Richmond presented four petitions of inhabitants of Rensselaer county, for a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Richmond, from the committee on railroads, to which was referred the bill entitled "An act to extend the time for the completion of the Lebanon railroad," reported in favor of the passage of the same.

On motion of Mr. Richmond, and by unanimous consent, the rule was suspended and said bill recommitted to the committee on railroads, to report complete.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of the county of Richmond to pay certain claims against said county, and to provide the means for the payment thereof," reported in favor of the passage of the same.

Mr. Lawrence moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Colvin moved that the special order, being the bill entitled "An act concerning the Commissioners of Emigration and the Marine Hospital," be postponed for fifteen minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and the bill entitled "An act to incorporate the People's Savings bank of Dutchess county," was recommitted to the committee on banks, with power to report complete.

A message from the Assembly was received, returning the bill entitled "An act for the protection of the property in trade and the earnings of married women," informing that they had concurred in the amendments of the Senate thereto, with the following further amendment.

Strike out all after the enacting clause, and insert as follows :

SECTION 1. The property, both real and personal, which any married woman now owns, as her sole and separate property, that which comes to her by descent, devise, bequest, gift or grant; that which she acquires by her trade, business, labor or services carried on or performed on her sole or separate account; that which a woman married in this state owns at the time of her marriage, and the rents, issues and proceeds of all such property, shall notwithstanding her marriage, be and remain her sole and separate property, and may be used, collected and invested by her in her own name, and shall not be subject to the interference or control of her husband, or liable for his debts, except such debts as may have been contracted for the support of herself or her children, by her as his agent.

§ 2. A married woman may bargain, sell, assign and transfer her separate personal property, and carry on any trade or business, and perform any labor or services on her sole and separate account, and the earnings of any married woman, from her trade, business, labor or services, shall be her sole and separate property, and may be used or invested by her in her own name.

§ 3. Any married woman possessed of real estate as her separate property, may bargain, sell and convey such property, and enter into any contract in reference to the same, but no such conveyance or contract shall be valid without the assent in writing, of her husband, except as hereinafter provided.

§ 4. In case any married woman possessed of separate real property, as aforesaid, may desire to sell or convey the same, or to make any contract in relation thereto, and shall be unable to procure the assent of her husband, as in the preceding section provided, in consequence of his refusal, absence, insanity, or other disability, such married woman may apply to the county court, in the county where she shall at the time reside, for leave to make such sale, conveyance or contract, without the assent of her husband.

§ 5. Such application may be made by petition, verified by her, and setting forth the grounds of such application. If the husband be a resident of the county, and not under disability, from insanity or other cause, a copy of said petition shall be served upon him, with a notice of the time when the same will be presented to the said court, at least ten days before such application. In all other cases the county court, to which such application shall be made, shall, in its decreetion, determine whether any notice shall be given, and if any, the mode and manner of giving it.

§ 6. If it shall satisfactorily appear to such court, upon such application, that the husband of such applicant has willfully abandoned his said wife, and lives separate and apart from her, or that he is insane, or imprisoned as a convict in any state prison, or that he is an habitual drunkard, or that he is in any way disabled from making a contract, or that he refuses to give his consent without good cause therefor, then such court shall cause an

order to be entered upon its records, authorizing such married woman to sell and convey her real estate, or contract in regard thereto without the assent of her husband, with the same effect as though such conveyance or contract had been made with his assent.

§ 7. Any married woman may, while married, sue and be sued in all matters having relation to her property, which may be her sole and separate property, or which may hereafter come to her by descent, devise, bequest or the gift of any person except her husband, in the same manner if she were sole. And any married woman may bring and maintain an action in her own name, for damages, against any person or body corporate for any injury to her person or character, the same as if she were sole; and the money received upon the settlement of any such action, or recovered upon a judgment, shall be her sole and separate property.

§ 8. No bargain or contract made by any married woman, in respect to her sole and separate property, or any property which may hereafter come to her by descent, devise, bequest, or gift of any person except her husband, and no bargain or contract entered into by any married woman in or about the carrying on of any trade or business, under the statutes of this state, shall be binding upon her husband, or render him or his property in any way liable therefor.

§ 9. Every married woman is hereby constituted and declared to be the joint guardian of her children, with her husband, with equal powers, rights and duties in regard to them, with the husband.

§ 10. At the decease of a husband or wife, leaving no minor child or children, the survivor shall hold, possess and enjoy a life estate in one-third of all the real estate of which the husband or wife died seized.

§ 11. At the decease of the husband or wife intestate, leaving minor child or children, the survivor shall hold, possess and enjoy all the real estate of which the husband or wife died seized, and all the rents, issues and profits thereof during the minority of the youngest child, and one-third thereof during his or her natural life.

Mr. Colvin moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Lapham	P. P. Murphy	Sessions
Colvin	Goss	Manierre	Prosser	Truman
Connolly	Hammond	Montgomery	Ramsey	Warner
Fiero	Ketcham	Munroe		

18

FOR THE NEGATIVE.

Grant	Lawrence	Richmond
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to enable the board of education of

of the town of Yonkers, Westchester county, to dispose of school property by sale or otherwise," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street, and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the 10th avenue, and west of a line fifty feet east of the old Kingsbridge road, and running parallel with said road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Corn Exchange Warehousing company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ferry, from the committee on banks, to which was referred the bill entitled "An act to incorporate the People's Savings bank, in Dutchess county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lapham, from a majority of committee on roads and bridges, to which was referred the bill entitled "An act authorizing the town of Yonkers to raise money by loan to Macadamize the Albany post-road from Kingsbridge to Yonkers, and to plank the causeway leading from Kingsbridge to Spuyten Duyvil Bridge," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on public printing, to which was referred the bill entitled "An act to diminish the expenses of the publication of the State canvass and other official notices," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Connolly, and by unanimous consent, the rule was suspended, and the bill entitled "An act in relation to police and police courts in the city of New York," was recommitted to the committee on the incorporation of cities and villages, with power to report complete.

The President announced the special order, being the bill entitled "An act concerning the Commissioners of Emigration and the Marine Hospital."

Mr. Sessions moved that said bill be recommitted to the committees on commerce and navigation, and finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lapham moved that the bill entitled "An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Manierre moved that the bill entitled "An act to incorporate the American Museum," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison."

"An act to incorporate the American Museum."

Assembly bill, "An act to authorize the board of supervisors of the county of Richmond to pay certain claims against said county, and to provide means for the payment thereof."

After some time spent thereon, the President resumed the chair, and Mr. Ramsey, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Truman moved that said bill be recommitted to the committee on the judiciary, and retain its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey, from the same committee, reported that they had struck out the enacting clause of the second named bill, and directed their chairman to report that fact to the Senate.

The President put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

Mr. Ramsey, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Truman moved that the bill entitled "An act relating to the foreclosure and sale of the New York and Erie railroad," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ramsey moved that the Assembly bill entitled "An act to erect a new county from the third Assembly district of Steuben county, to be called "Canisteo," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. P. P. Murphy moved that the Assembly bill entitled "An act to amend an act entitled 'An act relative to the toll gate on the Albion Plankroad,'" be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Fiero, the Senate adjourned.

SATURDAY, MARCH 17, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Pomfret.

The journal of yesterday was read and approved.

Mr. Munroe presented a petition of citizens of Onondaga county, for tolls upon freight carried by railroad, and against increase of fare on the New York Central, which was read and laid on the table.

Mr. Abell presented eight remonstrances of citizens of Livingston county, in favor of tolls on railroads, and a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Truman presented a petition of citizens of Tioga county, on the same subject, which was read and referred to the select committee on that subject.

A message from the Assembly was received, informing that they had non-concurred in the passage of the following entitled bills:

"An act authorizing the board of education in the city of Troy to annex the lands of William Gary and others, situate in said city, to some school district in said city."

Mr. Fiero, from the committee on privileges and elections, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to the penalties for violation of the election laws," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on railroads, to which was referred the bill entitled "An act to extend the time for the completion of the Lebanon Springs railroad," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Rotch, from the committee on Indian affairs, to which was referred the bill entitled "An act for the relief of persons occupying the lands of the St. Regis Indians, under leases heretofore granted;" also, petition on the same subject; reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to incorporate the People's Savings bank, of Dutchess county."

"An act to incorporate the Corn Exchange Warehousing company."

"An act to change the time of holding the charter election in the village of Clyde, Wayne county."

"An act to authorize the inhabitants of the town of Hempstead, Queens county, to elect five assessors in said town."

Mr. Ferry gave notice that he would, at an early day, ask leave to move to suspend so much of the 26th rule as prohibits bills from being ordered to a third reading without being acted upon in committee of the whole, for the purpose of allowing him to offer a resolution for a committee of eight, to whom shall be referred certain bills on the general orders.

- Mr. Hammond gave notice that he would, at an early day, ask leave to introduce a bill for the construction of a railroad in certain streets and avenues in the city of New York.

In pursuance of previous notice, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act authorizing the Commissary General to furnish the 7th regiment, (National Guard,) with camp equipments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to authorize the Orient Wharf company to increase their capital and to extend said wharf."

"An act to incorporate the Chenango County Savings bank."

Ordered, That the Clerk deliver said bills to the Governor.

The bill entitled "An act to incorporate the Transit Life Insurance company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Manierre	Prosser	Spinola
Blood	Hammond	Montgomery	Ramsey	Truman
Connolly	Hillhouse	Munroe	Richmond	Warner
Ferry	Ketcham	J. M. Murphy	Robertson	Williams
Fiero	Lapham	P. P. Murphy	Roth	

24

FOR THE NEGATIVE.

Goss

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the construction, regulation, maintenance and government of the Central Park, in the city of New York, and to provide additional means therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Rotch
Bell	Grant	Manierro	Prosser	Spinola
Blood	Hillhouse	Montgomery	Ramsey	Warner
Connolly	Lapham	Munroe	Richmond	Williams
Gardiner	Lawrence	J. M. Murphy	Robertson	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend the act entitled 'An act to incorporate the village of Lyons,' passed April 17, 1854, and the acts amending the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Rotch
Blood	Grant	Lawrence	P. P. Murphy	Spinola
Connolly	Hammond	McGraw	Prosser	Warner
Ferry	Kelly	Manierro	Ramsey	Williams
Fiero	Ketcham	Montgomery	Robertson	

24

FOR THE NEGATIVE.

Hillhouse				
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1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Hyde Park Fire department, in Dutchess county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Munroe	Rotch
Bell	Grant	Lawrence	J. M. Murphy	Sessions
Blood	Hammond	McGraw	P. P. Murphy	Spinola
Connolly	Hillhouse	Manierro	Prosser	Warner
Ferry	Kelly	Montgomery	Robertson	Williams
Fiero				

26

FOR THE NEGATIVE.

Lapham				
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1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to change the time of holding charter elections in the village of Clyde, in the county of Wayne," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Rotch
Connolly	Hammond	Lawrence	P. P. Murphy	Sessions

Ferry	Millhouse	McGraw	Prosser	Warner	24
Fiero	Kelly	Manierre	Ramsey	Williams	
Gardiner	Ketcham	Montgomery	Robertson		

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the inhabitants of the town of Hempstead, in the county of Queens, to elect five assessors for said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	Lawrence	J. M. Murphy	Rotch	25
Blood	Hillhouse	McGraw	P. P. Murphy	Sessions	
Connolly	Kelly	Manierre	Prosser	Spinola	
Ferry	Ketcham	Montgomery	Ramsey	Warner	
Goss	Lapham	Munroe	Robertson	Williams	

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to incorporate the Corn Exchange Warehousing company," having been announced, and the Clerk was proceeding to read the same, when

Mr. Ferry moved to recommit said bill to the committee on commerce and navigation.

Mr. Robertson moved to amend so as to refer it to committee on banks.

Mr. Prosser moved to amend so as to refer said bill to the first committee of the whole.

The President put the question whether the Senate would agree to said motion of Mr. Prosser, and it was decided in the affirmative.

The bill entitled "An act to incorporate the People's Savings bank of Dutchess county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Lawrence	Ramsey	Spinola	19
Connolly	Hillhouse	Manierre	Richmond	Truman	
Ferry	Kelly	Montgomery	Robertson	Williams	
Fiero	Ketcham	Prosser	Sessions		

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 11 o'clock having arrived, the President announced the special order, being the third reading of the Assembly bill entitled as follows:

"An act to levy and collect tolls on freight transported, and to regulate fare on certain railroads in this State, and to provide means for paying the interest and principal of the State debt."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Grant	Ketcham	J. M. Murphy	Sessions
Connolly	Hammond	Lapham	Prosser	Spinola
Fiero	Hillhouse	Manierre	Robertson	Truman
Gardiner	Kelly			

17

FOR THE NEGATIVE.

Abell	Ferry	McGraw	P. P. Murphy	Rotch
Bell	Goss	Montgomery	Ramsey	Warner
Colvin	Lawrence	Munroe	Richmond	Williams

18

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to authorize the board of supervisors of the county of Richmond to pay certain claims against said county, and to provide means for the payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	P. P. Murphy	Rotch	Spinola
Connolly	Kelly	Richmond	Sessions	Warner
Fiero	Ketcham	Robertson		

13

Mr. Lawrence moved to reconsider the vote on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Ketcham	Munroe	Rotch
Blood	Hammond	Lawrence	Prosser	Spinola
Connolly	Hillhouse	Manierre	Ramsey	Truman
Fiero	Kelly	Montgomery	Richmond	Williams
Goss				

21

FOR THE NEGATIVE.

Lapham				
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1

Said bill again had its third reading.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	J. M. Murphy	Robertson
Bell	Hammond	McGraw	P. P. Murphy	Rotch
Blood	Hillhouse	Manierre	Prosser	Sessions
Connolly	Kelly	Montgomery	Ramsey	Spinola
Fiero	Ketcham	Munroe	Richmond	Truman
Goss				

25

FOR THE NEGATIVE.

Warner	Williams			
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2

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The third reading of the bill entitled "An act to empower the members and stockholders of benevolent, charitable, scientific and missionary corporations and societies to vote by proxy," having been announced,

Mr. Grant moved to recommit said bill to the committee on charitable and religious societies, with instructions to strike out the enacting clause.

Mr. Spinola moved to amend so as to recommit said bill with instructions to strike out the following words: "residing within ten miles of the place of such meeting, unless their attendance is prevented by illness, nor to members."

The President put the question whether the Senate would agree to said motion of Mr. Spinola, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Grant, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Connolly	Grant	Lawrence	J. M. Murphy	
Colvin	Gardiner	Kelly	Manierre	Spinola	10

FOR THE NEGATIVE.

Abell	Hammond	McGraw	Prosser	Sessions	
Bell	Hillhouse	Montgomery	Ramsey	Truman	
Ferry	Ketcham	Munroe	Robertson	Warner	
Fiero	Lapham	P. P. Murphy	Rotch	Williams	
Goss					21

Mr. Spinola moved to recommit said bill to the committee on charitable and religious societies.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Kelly	Manierre	Spinola	
Connolly	Grant	Lawrence	J. M. Murphy		9

FOR THE NEGATIVE.

Bell	Goss	McGraw	Prosser	Rotch	
Colvin	Hammond	Montgomery	Ramsey	Sessions	
Ferry	Ketcham	Munroe	Richmond	Truman	
Fiero	Lapham	P. P. Murphy	Robertson	Warner	
					20

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Prosser	Sessions	
Bell	Hammond	Montgomery	Richmond	Truman	
Ferry	Ketcham	Munroe	Robertson	Warner	
Fiero	Lapham	P. P. Murphy	Rotch	Williams	
					20

FOR THE NEGATIVE.

Blood	Connolly	Kelly	Manierre	Ramsey	
Colvin	Grant	Lawrence	J. M. Murphy	Spinola	10

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended, and the Assembly bill entitled "An act to authorize the board of supervisors of the county of Richmond to pay certain claims against said county, and to provide means for the payment thereof," was ordered transmitted to the Assembly immediately.

The third reading of the bill entitled "An act supplementary to an act entitled 'An act to amend an act entitled 'An act in relation to assessments for local improvements in the city of Brooklyn,' passed April 9, 1959,'" having been announced,

On motion of Mr. Spinola, and by unanimous consent, said bill was amended by adding at the end of the first section the following:

"And the Comptroller of said city is also hereby directed to pay to the holder of any certificate or certificates of indebtedness hereafter issued by the city of Brooklyn, for work performed under any contract for which an assessment has been levied, assess bonds for the amount of such certificate or certificates, together with interest thereon from the completion of the contract for which they were issued, which bonds shall be made payable within five years from the date of such certificate or certificates, and shall bear interest at the rate of six per cent per annum, payable semi-annually."

Also, after the word "annum," line 7, section 3, printed bill, insert the words: "And the common council of said city is also hereby authorized, and shall cause to be executed the bonds necessary to pay the certificates of indebtedness and interest thereon, mentioned in the first section of this act."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Ramsey	Spinola
Blood	Gardiner	Lapham	Richmond	Truman
Colvin	Goss	Lawrence	Robertson	Warner
Connolly	Hammond	Montgomery	Rotch	Williams
Ferry	Kelly	Munroe	Sessions	24

FOR THE NEGATIVE.

Prosser

16

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Williams moved to reconsider the vote agreeing to the report of the committee on the bill entitled "An act to amend the Revised Statutes in relation to the Attorney General's office."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Williams moved to recommit said bill to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond moved to take from the table the following "Concurrent resolution in relation to amendment of the Constitution," to wit:

Whereas, at the last session of the Legislature the following amendment to the Constitution was proposed, viz:

That section 1, of article 2, of the Constitution of this State, be amended by striking out the following words: "But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election, shall have been seized and possessed of a freehold estate, of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid."

And whereas, the said proposed amendment was then agreed to by a majority of the members elected to each of the two houses, and entered on the journals, with the ayes and noes taken thereon, and referred to the Legislature to be chosen at the next general election of senators, then ensuing:

And whereas, the said proposed amendment has been duly published for three months previous to making such choice, in pursuance of the provisions of the first section of the thirteenth article of the Constitution.

Resolved, (if the Senate concur,) That the Assembly do agree to the proposed amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	Montgomery	Ramsey	Truman
Bell	Lapham	Munroe	Richmond	Warner
Ferry	McGraw	Prosser	Sessions	Williams
Goss	Manierre			

17

FOR THE NEGATIVE.

Blood	Fiero	Grant	Lawrence	Spinola
Connolly	Gardiner	Kelly	Robertson	

9

Ordered, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have passed the same, without amendment.

Mr. Munroe offered the following resolution:

Resolved, (if the Assembly concur,) That the two Houses of the Legislature proceed on Tuesday the third day of April next, at 12 o'clock, noon, in pursuance of law, to the election of a Superintendent of Public Instruction, in place of Henry H. Van Dyck, whose term of office will then expire.

Ordered, That said resolution be laid on the table.

On motion of Mr. Richmond,

Resolved, That the Senate will from and after Monday next, hold evening sessions, to commence at 7 o'clock, except Saturday evenings, until otherwise ordered.

On motion of Mr. Spinola, the Senate adjourned.

MONDAY, MARCH 19, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Seeley.

The journal of Saturday, was read and approved.

Mr. Bell presented a petition of citizens of Jefferson county, for a pro rata freight law, and tolls on railroads, which was read and referred to the select committee on that subject.

Also, a petition of property owners of Watertown, for extension of the act in relation to the diversion of the water from the Black river to the Erie canal, which was read and committed to the committee of the whole.

Mr. Abell presented a petition of citizens of Dansville, to amend charter of said village.

On motion of Mr. Abell, and by unanimous consent, the rule was suspended, and said petition together with the Assembly bill on the same subject, entitled "An act to amend the act to incorporate the village of Dansville, passed June 4, 1853," were referred to the committee on the incorporation of cities and villages, with power to report complete.

Mr. McGraw presented two petitions of citizens of Madison county, for a pro rata freight law; Also, a remonstrance of citizens of Cortland county, on same subject—which were read and referred to the select committee on that subject.

Mr. Spinola presented a petition of 800 tax-payers of Brooklyn, for change in Brooklyn water act, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the petition of the court and grand jury of Dutchess county, for the passage of an act authorizing the erection of a jail therein, reported in favor of the adoption of the following resolution: *Resolved*, That the prayer of the petitioners be denied; which report was agreed to.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the petition of Abram Hatfield and others, for authority to raise money in the town of Westchester, reported by bill entitled "An act to authorize the town of Westchester, in the county of Westchester, to build a dock at the end of a new road on Eastchester bay," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Ferry, from the committee on insurance companies, to which was referred the bill entitled "An act in relation to Foreign Insurance companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Gymnasium of the Brooklyn Young Men's Christian Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to divide the county of Allegany into two jury districts, and to provide for holding courts in, and for said county alternately, in each of said districts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act confirming the rights of the assignees of Philip A. Strong, to the ferry across Chautauqua lake, and to authorize the county court to fix the rates of toll," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend the charter of the College of Physicians and Surgeons in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

A message from the Assembly was received, returning the bill entitled as follows:

"An act concerning the rights and liabilities of husband and wife."
Ordered, That the Clerk return said bill to the Assembly.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize the conveyance in trust of certain lands at Hunter's and Green Point, Long Island, owned by Leicester K. Ely and others."

"An act to extend the time for the completion of the Lebanon Springs railroad."

On motion of Mr. Prosser, and by unanimous consent, the rule was suspended, and the Assembly bill entitled "An act to authorize the repairing and maintaining a breakwater along the shore of Lake Erie, within the bounds of the city of Buffalo," was recommitted to the committee on commerce and navigation, with power to report complete.

Mr. Prosser moved that the Assembly bill entitled "An act relating to street railways in the city of Buffalo," be referred to the first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Abell moved that the committee on the internal affairs of towns and counties be discharged from the further consideration of

the Assembly bill entitled "An act to divide the county of Allegany into two jury districts, and to provide for holding courts in, and for said county alternately, in each of said districts," and that the same be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act to incorporate St. Stephen's College."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Ferry, and by unanimous consent, the bill entitled "An act in relation to the overseer of the poor of the town of Rome," was recommitted to the committee on the internal affairs of towns and counties, with power to report complete.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the Corn Exchange Warehousing company."

Assembly bill, "An act to amend an act entitled 'An act relative to the toll gate on the Albion Plankroad.'"

"An act relating to the foreclosure and sale of the New York and Erie railroad."

Assembly bill, "An act to erect a new county from the third Assembly district of Steuben county, to be called 'Canisteo.'"

After some time spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Prosser moved that said bill be referred to the first committee of the whole, to-morrow evening, after the disposition of the bill in relation to the foreclosure and sale of the New York and Erie railroad.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Montgomery, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Montgomery, from the same committee, reported progress on the third named bill, and asked and obtained leave to sit again.

Mr. Spinola moved that said bill be referred to the first committee of the whole, to-morrow evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Ramsey moved that said bill be referred to the first committee of the whole, to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, *March 19, 1860.*

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

March 14. "An act to consolidate and amend the several acts in relating to the village of Catskill."

17. "An act to release the interest of the people of this State in certain real estate held by Gabriel Rumpler, deceased, to St. Mary's Church of the Redemptorists of Buffalo."

17. "An act authorizing and requiring school district No. 5, in the town and county of Niagara, to raise money by tax for school purposes."

17. "An act to legalize the official acts of George Aldrich, as justice of the peace."

17. "An act to authorize appeals from judgments rendered by the police justice of the village of Corning."

17. "An act to authorize the raising of money by tax in the town of Westchester, county of Westchester, for the purpose of purchasing a site and building a town house in said town."

17. "An act to amend the act to incorporate the village of Stillwater."

17. "An act to incorporate the Chenango Co. Savings bank."

17. "An act to annex part of the town of Italy, in Yates county, to the town of Naples, in Ontario county."

17. "An act for the relief of the corporation for the relief of widows and children of clergymen of the Protestant Episcopal Church in the State of New York."

17. "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Rochester,' passed April 13, 1837; also to amend an act entitled 'An act to amend an act entitled An act to incorporate the Fireman's Benevolent Association of Rochester,' passed May 13, 1845."

17. "An act authorizing a grant of half an acre of land in lot 5; Stirling, to the trustees of the Free Will Baptist Church, and their successors, in the town of Wolcott, Wayne county."

17. "An act to amend chapter 464 of the laws of 1847."

17. "An act authorizing the commissioners of highways of the town of North Hempstead, in Queens county, to regulate the highways in the eleventh road district in said town."

17. "An act to authorize the surviving trustees of the First Wesleyan Methodist Church, of Keeseville, to convey certain premises to Jacob Blaisdell, of Keeseville."

March 17. "An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village."

17. "An act to authorize the Orient wharf company to increase their capital and extend said wharf."

E. D. MORGAN.

By unanimous consent,

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the repairing and maintaining a breakwater along the shore of Lake Erie, within the bounds of the city of Buffalo," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Hammond moved to reconsider the vote by which a resolution was adopted on Saturday, in relation to evening sessions.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill:

"An act for the appraisal and payment of canal damages to Jehial Freeman and Edwin R. Hammatt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Young Men's Association for Mutual Improvement, in the city of Albany, passed March 12, 1835,' passed April 15, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

On motion of Mr. Colvin, and by unanimous consent,

Resolved, That the Clerk of the Senate procure glass shades for the gas fixtures in the Senate chamber; and also Walsh's patent improved gas burners for said fixtures.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the Assembly bill entitled "An act to amend the charter of the College of Physicians and Surgeons in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Blood moved that the bill entitled "An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river in said town," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. P. P. Murphy moved that the Assembly bill entitled "An act to legalize the incorporation of the village of Wilson, in the county

of Niagara, and to grant to said incorporation additional powers to those given by an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereto," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act relating to street railways in the city of Buffalo."

"An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river in said town."

Assembly bill, "An act to legalize the incorporation of the village of Wilson, in the county of Niagara, and to grant to said incorporation additional powers to those given by an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereto."

After some time spent thereon, the President resumed the chair, and Mr. Bell, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Prosser moved that said bill be referred to the first committee of the whole, to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Bell, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe, from the committee on State Prisons, to which was referred the bill entitled "An act in relation to attempts to escape by convicts in State Prisons," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on State prisons, to which was referred the bill entitled "An act authorizing the reports of male and female departments of State Prisons to be made separately," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the overseer of the poor of the town of Rome," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act confirming the rights of the assignees of Philip A. Strong to the ferry

across Chautauqua lake and to authorize the county court to fix the rates of toll," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Blood moved that the bill entitled "An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river in said town," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Richmond, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

The President announced the special order, being the annual message of His Excellency the Governor.

Mr. Fiero moved that it be postponed until Monday evening next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved that the bill entitled "An act in relation to planting of oysters within the waters of this State," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river. in said town."

"An act in relation to the planting of oysters within the waters of this State."

"An act relating to unclaimed deposits in Savings banks."

After some time spent thereon, the President resumed the chair, and Mr. Rotch, from said committee, reported in favor of the passage of said bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to amend an act entitled 'An act to incorporate the Mutual Savings bank of Troy,' passed April 15, 1857," which was read the first time, and by unanimous consent was also read the second time.

"An act to amend an act entitled 'An act to incorporate the Manufacturers' Savings bank of Troy,' passed April 15, 1857," which

was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Richmond, and by unanimous consent, the rule was suspended, and said bills were referred to the committee on banks, with power to report complete.

Mr. Robertson moved that the Assembly bill entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled as follows:

"An act to incorporate the 'German Leiderkranz,' of the city of New York."

Ordered, That the Clerk return said bill to the Assembly.

On motion of Mr. Fiero, the Senate adjourned.

TUESDAY, MARCH 20, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Seeley.

The journal of yesterday was read and approved.

Mr. Hillhouse presented a remonstrance of citizens of Seneca Falls, against tolls on railroads, and a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Lapham presented two petitions of citizens of Warren and Clinton counties, in favor of a pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Truman presented a petition of the Pearsall Patent Ventilating barrel company, in relation to the use of said patent, which was read and referred to the committee on manufactures.

Mr. McGraw presented a remonstrance of citizens of Cortland county, against a pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Robertson presented a petition of inhabitants of White Plains, for the incorporation of said village, which was read and referred to the committee on the incorporation of cities and villages.

On motion of Mr. Robertson, said petition, together with the bill on the same subject, entitled "An act to incorporate the village of White Plains," were recommitted to the committee on the incorporation of cities and villages.

Mr. Manierre presented a remonstrance of citizens of Brooklyn,

against division of 11th ward of said city, which was read and referred to the committee on the incorporation of cities and villages.

Also, a petition of citizens of New York, for an act to prevent pauperism and crime, which was read and referred to the committee on poor laws.

Mr. Prosser presented a petition of J. D. Cortright and others, of the city of New York, in relation to tolls on coal, which was read and referred to the committee on canals.

Mr. Blood presented a petition of citizens of Fulton county, for abolition of capital punishment, which was read and referred to the committee on the judiciary.

Mr. Goss presented a petition of the majority of supervisors of Monroe county, in relation to excise moneys in said county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Prosser, from the committee on canals, to which was referred the Assembly bill entitled 'An act to provide for the construction and maintenance of a bridge over the Erie canal in the village of Cohoes, Albany county,' reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the act to incorporate the village of Dansville," passed June 4, 1853," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act in relation to the planting of oysters within the waters of this State."

"An act relating to unclaimed deposits in savings banks"

"An act to authorize the commissioners of highways in the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river."

"An act in relation to the overseer of the poor in the town of Rome."

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Mutual Savings bank of Troy,' passed April 15, 1857," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Manufacturers' Savings bank of Troy,' passed April 15, 1857," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act relating to the Court of Common

Pleas for the city and county of New York, to the number of judges, their election and term of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act relating to the Marine Court of the city of New York, to the number of justices thereof, their election and term of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled the act in relation to the Supreme Court of the first judicial district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act in relation to the Superior Court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act to authorize the payment of a claim of Hollis Daggett," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

In pursuance of previous notice, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad in certain streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Lapham asked and obtained leave to introduce a bill entitled "An act to amend chapter 100, laws of 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Manierre asked and obtained leave to introduce a bill entitled "An act to amend an act for ascertaining by proper proof the citizens who shall be entitled to the right of suffrage, and to prevent fraudulent voting, passed April 15, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to incorporate the Westfield Gas company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, with power to report complete.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to repeal the charter of the Westfield and Chautauqua Lake Plankroad company," was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, with power to report complete.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to Plankroads and Turnpike roads,' passed April 9, 1851," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Lawrence asked and obtained leave to introduce a bill entitled "An act to alter school district No. 4, in the town of Oyster Bay, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act confirming certain leases of all the oil and salt springs on the Allegany and Oil Spring Reservations in the counties of Cattaraugus and Allegany, made by the Seneca Nation of Indians to Bradford R. Alden, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

On motion of Mr. Richmond, and by unanimous consent, the rule was suspended, and the bill entitled "An act relative to the county treasurer of the county of Rensselaer," was recommitted to the committee on the internal affairs of towns and counties, with power to report complete.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and the bill entitled "An act to provide for the election of officers of the village of Perry, Wyoming county, and to confirm the official acts of the trustees of said village," was recommitted to the committee on the incorporation of cities and villages, with power to report complete.

The bill entitled "An act to extend the term for the completion of the Lebanon Springs railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Lawrence	Munroe	Richmond
Ferry	Hammond	McGraw	P. P. Murphy	Robertson
Fiero	Ketcham	Manierre	Prosser	Rotch
Goss	Lapham	Montgomery	Ramsey	Sessions
				20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the conveyance in trust of certain lands at Hunter's and Green Point, Long Island, owned by Leicester K. Ely and others," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Lawrence	Prosser	Rotch
Blood	Kelly	Montgomery	Ramsey	Sessions
Fiero	Ketcham	Munroe	Richmond	Spinola
Goss	Lapham	P. P. Murphy	Robertson	Williams
Grant				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the repairing and maintaining a breakwater along the shore of Lake Erie, within the bounds of the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Lawrence	P. P. Murphy	Rotch
Connolly	Kelly	McGraw	Prosser	Sessions
Fiero	Ketcham	Montgomery	Richmond	Truman
Gardiner	Lapham	Munroe	Robertson	Williams
Goss				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act relative to the toll gate on the Albion Plankroad,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lawrence	P. P. Murphy	Rotch
Blood	Hammond	McGraw	Prosser	Truman
Connolly	Kelly	Montgomery	Richmond	Williams
Fiero	Lapham	Munroe	Robertson	

19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to legalize the incorporation of the village of Wilson, in the county of Niagara, and to grant to said incorporation additional powers to those given by an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and the several acts amendatory thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Munroe	Robertson
Blood	Hammond	Lapham	P. P. Murphy	Rotch
Connolly	Hillhouse	Lawrence	Prosser	Truman
Fiero	Kelly	Montgomery	Richmond	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to authorize the commissioners of highways of the town of Northampton, in the county of Fulton, to borrow money to rebuild a bridge across the west branch of the Hudson river in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	Kelly	Prosser	Sessions
Colvin	Grant	Ketcham	Richmond	Spinola
Connolly	Hammond	Lawrence	Robertson	Truman
Fiero	Hillhouse	J. M. Murphy	Rotch	Williams

21

FOR THE NEGATIVE.

Lapham

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the planting of oysters within the waters of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Hillhouse	Munroe	Robertson
Blood	Gardiner	Kelly	P. P. Murphy	Rotch
Colvin	Goss	Ketcham	Ramsey	Sessions
Ferry	Hammond	Lapham	Richmond	

19

FOR THE NEGATIVE.

Manierre

Prosser

Spinola

3

When the name of Mr. Lawrence was called, that gentleman asked to be excused from voting.

The President put the question whether the Senate would agree to excuse, and it was decided in the affirmative.

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act relating to unclaimed deposits in savings banks," having been announced,

Mr. Bell moved to recommit said bill with instructions to amend by striking out the words "since the first day of January, 1861," in the 3d and 4th lines of the 1st section, and insert "for twenty years;" also amend 4th and 5th lines of 3d section by striking out the words "since the 1st day of January, 1850," and insert "for the last twenty years;" also amend 9th and 10th lines of 5th section by striking out "since 1850," and insert for twenty years."

The President put the question whether the Senate would agree to said motion of Mr. Bell, and it was decided in the negative.

Mr. Lawrence moved to recommit said bill, with instructions to amend by inserting the following as an additional section, and report forthwith.

"§ 8. The Superintendent of the Bank Department of this State, shall for the three months previous to the 1st day of January, 1861, publish in the State paper a brief notice, stating in substance that on the said 1st day of January, 1861, all deposits that shall have remained unclaimed in said savings banks for ten years, will be paid over into the State treasury. It shall also be the duty of each of the said savings banks to publish a like notice in the paper having the largest circulation in the village or city where such savings bank may be located."

Mr. Spinola moved to amend, so as to recommit said bill with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion of Mr. Spinola, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Connolly	Gardiner	McGraw	Munroe	Richmond	
Ferry	Kelly	Manierre	Prosser	Spinola	
Fiero					11

FOR THE NEGATIVE.

Bell	Grant	Ketcham	P. P. Murphy	Rotch	
Blood	Hammond	Lapham	Ramsey	Sessions	
Goss	Hillhouse	Montgomery	Robertson	Truman	15

The President then put the question whether the Senate would agree to said motion of Mr. Lawrence, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Lawrence	Munroe	Rotch	
Connolly	Kelly	McGraw	P. P. Murphy	Sessions	
Gardiner	Ketcham	Manierre	Robertson	Truman	
Goss	Lapham	Montgomery			18

FOR THE NEGATIVE.

Spinola					1
---------	--	--	--	--	---

Mr. Hammond, from the committee on the judiciary, to which was recommitted the bill entitled "An act relating to unclaimed deposits in savings banks," reported that they had made the amendment thereto, as directed by the Senate.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a

majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Goss	Hillhouse	Montgomery	Robertson	Sessions
Grant	Ketcham	P. P. Murphy	Rotch	Truman
Hammond	Lapham	Ramsey		

13

FOR THE NEGATIVE.

Bell	Ferry	Kelly	Manierro	Richmond
Blood	Fiero	Lawrence	Munroe	Spinola
Connolly	Gardiner	McGraw	Prosser	

14

Mr. Truman moved to reconsider the vote on said bill, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Montgomery	Ramsey	Sessions
Colvin	Hillhouse	P. P. Murphy	Robertson	Truman
Goss	Ketcham	Prosser	Rotch	Williams
Grant	Lapham			

17

FOR THE NEGATIVE.

Blood	Fiero	Lawrence	Manierro	Richmond
Connolly	Gardiner	McGraw	Munroe	Spinola
Ferry	Kelly			

12

The bill entitled "An act in relation to the overseer of the poor of the town of Rome," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	P. P. Murphy	Rotch
Blood	Grant	Lapham	Prosser	Sessions
Colvin	Hammond	McGraw	Ramsey	Spinola
Connolly	Hillhouse	Montgomery	Richmond	Truman
Ferry	Kelly	Munroe		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend sections 27 and 29 of title 5 of an act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same, passed April 17, 1854," with the following amendments:

Strike out the word "that" at the commencement of section 1.

Insert the following as section 2, viz:

Sec. 2. Subdivision 28, of section 13, of title 2 of said act is hereby amended so as to read as follows:

"To raise by tax, annually, a sum not exceeding \$4,000, toward defraying the expenses of the City Hospital, and the sum of \$1,000 for the celebration of the anniversary of American Independence, and in the same manner as the expenses of the fire department shall be raised, the sum of \$1,500 for the fire department funds, of the western and eastern districts of said city, to be apportioned between

them according to the taxable property of each of said districts, and the sum of \$3,000 upon the whole city, to be apportioned between the dispensaries in said city according to the taxable property of the districts in which they are situated."

Amend the title by striking out the words "sections 27 and 29 of title 5 of."

Mr. Spinola moved that the Senate concur in said amendments, with the following farther amendments:

Sec. 3. Section 29 of title 3 of said act, is hereby amended so as to read as follows:

"§ 29. The common council shall grant and pay to the mayor, comptroller, auditor, street commissioner, collector of taxes and assessments, attorney and counsellor, treasurer and all other officers, assessors, commissioners, clerks or other subordinates, elected or appointed under or in pursuance of this act (except to aldermen and supervisors,) such stated salaries as it may from time to time deem proper."

Sec. 4. Subdivision 15, of section 13, of title two of said act is hereby amended by adding thereto the following words, viz: "But this provision shall not apply to billiard tables."

Sec. 5. Subdivision 23 of title 3 of said act is hereby amended so as to read as follows:

"§ 23. The term of office of the collector of taxes and assessments for the city of Brooklyn, is hereby extended from the 1st Monday of May, 1860, to the 1st Monday of July, 1860, and hereafter the term of said office shall commence on the 1st Monday of July next, after then election."

The President put the question whether the Senate would agree to said motion of Mr. Spinola, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Manierre	Prosser	Rotch
Blood	Hammond	Montgomery	Ramsey	Sessions
Colvin	Hillhouse	Munroe	Richmond	Spinola
Fiero	Ketcham	P. P. Murphy	Robertson	Truman
Gardiner	Lawrence			

22

FOR THE NEGATIVE.

Goss

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments thereto, with further amendments.

By unanimous consent,

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to provide for the election of officers in the village of Perry, Wyoming county, and to confirm the official acts of the trustees of said village." with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent,

Mr. Ramsey, from the committee on the erection and division of towns and counties, to which was referred the petition of Cyrus F.

Brownell and others, for the erection of a new town from parts of the towns of Hope and Mayfield, in the counties of Fulton and Hamilton, reported by bill entitled "An act to erect the town of Benson out of part of the town of Hope, in the county of Hamilton, and a part of the town of Mayfield, in the county of Fulton," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and the bill entitled "An act to enable the board of education of the town of Yonkers, Westchester county, to dispose of school property, by sale or otherwise," was recommitted to the committee on literature, with power to report complete.

Mr. Fiero offered the following resolution :

Resolved; That the committee appointed by the Senate to investigate the proceedings and doings of the Excise Commissioners of the city and county of New York, have full power to sit and hold sessions in the city of New York, during the recess of the Legislature, and make full report at the opening of the next session of the Legislature.

Mr. Fiero moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent,

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act relative to the county treasurer of Rensselaer county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss moved that the bill entitled "An act relating to the overseer of the poor of the city of Rochester," be recommitted to the committee on the internal affairs of towns and counties, with instructions to amend by inserting the following as section four, viz :

"§ 4. All excise moneys obtained from licenses in the city of Rochester, shall be paid by the county treasurer to the city treasurer for the relief of the poor of that city, and all excise moneys obtained from licenses in each town in the county of Monroe, shall be paid by the county treasurer to the overseers of the poor of that town for the relief of the poor."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn," was authorized to report complete.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the following entitled bill:

"An act to authorize the board of supervisors of the county of

Richmond to pay certain claims against said county, and to provide means for the payment thereof."

Ordered, That the Clerk return said bill to the Assembly.

Mr. Colvin moved that the bill entitled "An act for the relief of insolvent debtors," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Manierre moved that the bill entitled "An act to alter the map or plan of the city of New York," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ketcham moved that the bill entitled "An act to amend the act to establish regulations for the port of New York, passed April 17, 1857, and the act amendatory thereof, passed April 15, 1858," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Richmond moved that the bill entitled "An act to amend an act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857," be referred to the third committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. McGraw moved that the following entitled bills be referred to the third committee of the whole, to wit:

"An act for the relief of Clinton L. Colton, Timothy Cook and John W. Conley."

"An act for the relief of Horace Pierce, W. W. Baker. B. A. Son and William Van Horn."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Munroe moved to take from the table the following resolution:

Resolved, (if the Assembly concur,) That the two Houses of the Legislature proceed on Tuesday the third day of April next, at 12 o'clock, noon, in pursuance of law, to the election of a Superintendent of Public Instruction, in place of Henry H. Van Dyck, whose term of office will then expire.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Spinola moved to take from the table the following resolution:

Resolved, (if the Assembly concur,) That a respectful message be sent to His Excellency the Governor, requesting the return of the bill to amend the act creating a fund for the reformation of juvenile delinquents in the city of New York, and for other purposes, which passed the Senate March 7, and the Assembly March 12, 1860.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Hammond	Montgomery	Robertson
Connolly	Goss	Lapham	Munroe	Sessions
Ferry	Grant	Lawrence	Prosser	Spinola
Fiero				

16

FOR THE NEGATIVE.

Bell	Hillhouse	Manierre	Ramsey	Truman
Colvin	Ketcham	P. P. Murphy	Rotch	

9

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended, and the committee on literature, to which was referred the bill entitled "An act to alter school district number four, in the town of Oyster Bay, Queens county," was empowered to report complete.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and the bill entitled "An act to provide for a police court in the city of New York," was recommitted to the committee on the incorporation of cities and villages, with power to report complete.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended and the committee on roads and bridges, to which was referred the bill entitled "An act to amend chapter 100, laws of 1858," was empowered to report complete.

On motion of Mr. Montgomery and by unanimous consent, the rule was suspended, and the committee on the judiciary, to which was referred the bill entitled "An act to confirm the election of Thomas V. Russell, as district attorney for the county of St. Lawrence," was empowered to report the same complete.

By unanimous consent,

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Westfield gas company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate then resolved itself into a committee of the whole,

and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to erect a new county from the third Assembly district of Steuben county, to be called 'Canisteo.'"

"An act relating to street railways in the city of Buffalo."

"An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester."

After some time spent thereon, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

By unanimous consent,

Mr. Colvin, from the committee on the judiciary, to which was recommitted the bill entitled "An act to confirm the election of Thomas V. Russell, as district attorney for the county of St. Lawrence," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

By unanimous consent,

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to enable the board of education of the town of Yonkers, Westchester county, to dispose of school property, by sale or otherwise," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Munroe, and by unanimous consent.

Whereas, the excise commissioners of the counties of Kings and Rensselaer have neglected to pay over to their county treasurers the moneys arising from the excise law; therefore,

Resolved, That the Clerk of the Senate be instructed to notify the board of excise commissioners of the county of Kings, and the board of excise commissioners of the county of Rensselaer, directing them to make, without delay, a report in detail to the Senate of all moneys received by them for licenses granted by their respective boards for the year 1859.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bill entitled as follows:

"An act relating to the foreclosure and sale of the New York and Erie railroad."

After some time spent thereon, the President resumed the chair, and Mr. Fiero, from said committee reported progress on said bill, and asked leave to sit again.

Mr. Truman moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

Pending the question on said motion of Mr. Truman,
On motion of Mr. Fiero, the Senate adjourned.

WEDNESDAY, MARCH 21, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Seeley.

The journal of yesterday was read and approved.

Mr. Gardiner presented a petition of officers of Brooklyn Industrial school, for relief, which was read and referred to the committee on finance.

Mr. Colvin presented a remonstrance of the executive committee of the Young Men's Association of Albany, against any amendments to the charter of said association, which was read and referred to the committee on literature.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to form a separate road district of all that part of the city of Albany lying west of Allen street, and to exempt the same from certain taxes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the petition of Earl E. Mills and others, for the erection of a new ward in the city of Brooklyn, reported by bill entitled "An act to create a new ward in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the city of Brooklyn to acquire the title to certain lands in the 13th ward of the said city, for a public market and for other purposes, and to widen and alter the streets leading thereto, and to provide means for the payment of the expenses attending the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to provide for the better government of common schools in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on Indian affairs, to which was referred the bill entitled "An act confirming certain leases of all the oil and salt springs in Allegany, and oil spring reservations in the counties of Cattaraugus and Allegany, made by the Seneca nation of Indians to Bradford R. Alden, of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received, informing that they had concurred in the farther amendments of the Senate to the bill entitled as follows :

"An act to amend sections 27 and 29, of title 5 of 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854."

Ordered, That the Clerk return said bill to the Assembly.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act relative to the county treasurer of Rensselaer county."

"An act to confirm the election of Thomas V. Russell as district attorney in St. Lawrence county."

"An act to enable the board of education of the town of Yonkers, Westchester county, to dispose of school property, by sale or otherwise."

"An act to provide for the election of officers of the village of Perry, Wyoming county, and to confirm the official acts of the trustees of said village."

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to make the office of supervisor in Erie county, a salaried office, and to regulate the compensation of the clerk of the board of supervisors in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act in relation to the sale of bottles used by the manufacturers of mineral water and others,' passed May 7, 1847," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule

was suspended, and said bill referred to the committee on manufactures, with power to report complete.

"An act to legalize the election of trustees in the village of Avon, in Livingston county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act in relation to legislative stationery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public expenditures.

"An act creating a joint commission, and appointing such commissioners to determine and fix the boundary line between the town of Wheatland, in the county of Monroe, and the town of Caledonia, in the county of Livingston," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act authorizing the town of Pelham, Westchester county, to raise a certain sum of money by tax," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Prosser	Rotch
Blood	Grant	Montgomery	Ramsey	Truman
Connolly	Hillhouse	Munroe	Richmond	Warner
Fiero	Ketcham	P. P. Murphy	Robertson	Williams
Gardiner	Lapham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Goss, and by unanimous consent, the committee on the internal affairs of towns and counties, was discharged from the further consideration of the Assembly bill entitled "An act creating a joint commission, and appointing such commissioners to determine and fix the boundary line between the town of Wheatland, in the county of Munroe, and the town of Caledonia, in the county of Livingston," and the same was ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Grant	McGraw	Ramsey	Sessions
Blood	Hammond	Manierre	Richmond	Truman
Connolly	Hillhouse	Montgomery	Robertson	Warner

Fiero
Goss

Lapham

P. P. Murphy

Rotch

Williams

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message was received and read, from the Assembly, in the words following, to wit :

Resolved, That there be a respectful message sent to the Senate, requesting them to return to this House the Senate bill entitled "An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike road company,' passed April 14, 1859."

Mr. Fiero moved that said bill be returned to the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. P. P. Murphy, and by unanimous consent, the rule was suspended, and the Assembly bill entitled "An act to amend the charter of the College of Physicians and Surgeons in the city of New York," was recommitted to the committee on medical societies, with power to report complete.

The Assembly bill entitled "An act to amend the act to incorporate the village of Dansville, passed June 4, 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lawrence	P. P. Murphy	Rotch
Blood	Hammond	McGraw	Ramsey	Sessions
Connolly	Hillhouse	Manierre	Robertson	Truman
Fiero	Ketcham	Montgomery	Richmond	Warner
Gardiner	Lapham	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Mutual Savings bank of Troy,' passed April 15, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lawrence	P. P. Murphy	Sessions
Blood	Hammond	McGraw	Ramsey	Truman
Connolly	Hillhouse	Manierre	Richmond	Warner
Fiero	Ketcham	Montgomery	Robertson	Williams
Gardiner	Lapham	Munroe	Rotch	

24

Ordered, That the Clerk return said bill to the Assembly. with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Manufacturers' Savings bank of Troy,' passed April 15, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Ramsey	Sessions
Blood	Hillhouse	Manierre	Richmond	Spinola
Connolly	Ketcham	Montgomery	Robertson	Truman
Fiero	Lapham	Munroe	Rotch	Williams
Gardiner	Lawrence	P. P. Murphy		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to provide for the election of officers of the village of Perry, Wyowing county, and to confirm the official acts of the trustees of said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lawrence	P. P. Murphy	Rotch
Blood	Hammond	McGraw	Ramsey	Sessions
Connolly	Hillhouse	Manierre	Richmond	Spinola
Fiero	Ketcham	Montgomery	Robertson	Williams
Gardiner	Lapham	Munroe		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to erect a new county from the third Assembly district of Steuben county, to be called 'Canisteo,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Lawrence	P. P. Murphy	Sessions
Blood	Hammond	McGraw	Ramsey	Spinola
Connolly	Hillhouse	Montgomery	Robertson	Truman
Fiero	Ketcham	Munroe	Rotch	Warner
Gardiner	Lapham			

22

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, March 21, 1860.

To the Senate:—I return herewith without my approval the bill entitled "An act to amend an act entitled 'An act to create a fund

in aid of the society for the reformation of juvenile delinquents in the city of New York, and for other purposes.'” As it is an amendment of an existing law, it is not in strictness open to an objection founded on the provision of the Constitution requiring that no private or local bill “shall embrace more than one subject, and that shall be expressed in the title.” But it is obvious that the title wholly fails to convey any idea of the contents or actual purposes of the bill, and I have reason to believe that it was in consequence of this that it was allowed to pass without discussion, so that its true character and object were only discovered after its final passage through both houses.

Its main purpose seems to be to provide for the better observance of Sunday in the city of New York, by preventing the secular exhibitions and performances which, under manifold guises, now prevail in that city on that day. A bill to effect this object would receive my approval, but the one under consideration goes much farther, and imposes unnecessary and unjust restrictions upon innocent amusements upon the other days of the week. In addition to the section forbidding amusements on Sunday, it provides that “it shall not be lawful to exhibit to the public in any building, garden, grounds, concert room, or other room or place within the city and county of New York, any interlude, tragedy, comedy, opera, ballet, play, farce, concert, negro minstrelsy, negro, or other dancing, or any other entertainment of the stage, or any part or parts therein, or any musical, equestrian, circus or dramatic performance, or any performance of jugglers, acrobats or rope dancing,” unless a license has been first obtained from the mayor of New York. Five hundred dollars per annum must be paid for every such license. The result of this provision would be to close many innocent and beneficial places of amusement whose profits are not sufficiently large to enable them to pay this sum.

There seems to be a manifest injustice in obliging the proprietors of all places of amusement to pay a uniform fee of five hundred dollars a year without reference to their size or object. True policy requires that the number and variety of places of innocent week day amusement should be increased rather than restricted.

If it is necessary to require all exhibitions and performances to be licensed the license fee should in some cases be a moderate one, and in all should be graduated according to circumstances, and imposed not with reference to revenue, but with a view to the exercise of proper control over them.

Believing that this bill was passed without its purposes being properly understood, and that its provisions are so sweeping as to defeat the objects of its framers, I deem it my duty to return it to your body, in which it originated, for reconsideration.

E. D. MORGAN.

The President put the question “Shall this bill become a law notwithstanding the objections of the Governor?” and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hillhouse	Ramsey	Truman	Warner	
Grant	Manierre	Rotch			8

FOR THE NEGATIVE.

Connolly	Hammond	McGraw	P. P. Murphy	Robertson	
Fiero	Ketcham	Montgomery	Prosser	Sessions	
Gardiner	Lapham	Munroe	Richmond	Williams	
Goss					16

The bill entitled "An act relative to the county treasurer of the county of Rensselaer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Prosser	Sessions	
Blood	Grant	Manierre	Ramsey	Spinola	
Connolly	Hammond	Montgomery	Richmond	Truman	
Fiero	Ketcham	Munroe	Robertson	Warner	
Gardiner	Lapham	P. P. Murphy	Rotch	Williams	26

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the election of Thomas V. Russell, as district attorney for the county of St. Lawrence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	Lapham	P. P. Murphy	Rotch	
Colvin	Grant	Lawrence	Prosser	Sessions	
Connolly	Hammond	McGraw	Ramsey	Truman	
Fiero	Hillhouse	Manierre	Richmond	Williams	
Gardiner	Ketcham	Montgomery	Robertson		24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the board of education of the town of Yonkers, Westchester county, to dispose of school property, by sale or otherwise," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Grant	Lawrence	Prosser	Sessions	
Blood	Hammond	McGraw	Ramsey	Spinola	
Connolly	Hillhouse	Manierre	Richmond	Truman	
Fiero	Ketcham	Montgomery	Robertson	Warner	
Gardiner	Lapham	P. P. Murphy	Rotch	Williams	
Goss					26

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act in relation

to the collection, payment and application of certain assessments in the city of Brooklyn," with the following amendments:

After the word "within," in line 14, section 2, printed bill, strike out the balance of the section and insert the following in lieu thereof:

"The limits of said city upon completion of their new road from Jamaica to Hunter's Point, agreeing also to close the entrance of the tunnel in Atlantic street, in the city of Brooklyn, and restore and pave and regulate the same to its proper grade immediately upon the discontinuance of the use of steam as herein provided, and agreeing also to lay a railway, and do such other acts and things as are required to be done by said company or its assigns, in and by the said act specified in the first section thereof, passed April 19, 1859; and it is hereby made the duty of the said company or its assigns, upon executing said agreement, to do and perform all the acts and things herein specified and required to be done. If the said company or its assigns shall fail to do and perform the several acts so agreed to be done, the party so failing shall be liable to pay any damages which may be sustained by any person in consequence of the failure of the said company or its assigns to perform its said agreement. The said assignment shall vest in said Long Island railroad company, or its assigns, the right to collect and receive the amount of the said assessment, as in this act provided."

After the word "contract," in line 5, section 5, printed bill, strike out the balance of the section, and insert in lieu thereof the following:

"It shall be the duty of the collector, in the first place, to pay to the aforesaid commissioners their disbursements and fees, and all the other costs and charges under the said act, and thereafter to pay over to said company or its assigns the balance of said assessment, from time to time, as the same shall be collected."

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Hammond	McGraw	Prosser	Sessions
Connolly	Hillhouse	Manierre	Ramsey	Spinola
Fiero	Ketcham	Montgomery	Richmond	Truman
Gardiner	Lapham	Munroe	Robertson	Warner
Goss	Lawrence	P. P. Murphy	Rotch	Williams
Grant				

26

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Robertson moved that the bill entitled "An act to amend an act entitled 'An act to establish a Metropolitan Police district, and to provide for the government thereof,' passed April 15, 1857," be referred to the third committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Montgomery	Richmond	Truman
Ferry	Ketcham	Munroe	Robertson	Warner
Fiero	Lapham	P. P. Murphy	Rotch	Williams
Goss	McGraw	Ramsey	Sessions	

19

FOR THE NEGATIVE.

Blood	Gardiner	Hillhouse	Lawrence	Prosser
Connolly	Grant	Kelly	Manierre	Spinola

10

Mr. Robertson moved that said bill be made the special order for to-morrow at 11 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	McGraw	Ramsey	Truman
Ferry	Hillhouse	Montgomery	Robertson	Warner
Fiero	Ketcham	Munroe	Rotch	Williams
Goss	Lapham	P. P. Murphy	Sessions	

10

FOR THE NEGATIVE.

Blood	Gardiner	Kelly	Manierre	Richmond
Connolly	Grant	Lawrence	Prosser	Spinola

10

Mr. Robertson moved that said bill be made the special order for to-morrow evening, at 7½ o'clock.

Mr. Truman moved to amend by striking out "to-morrow" and inserting "Friday."

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Montgomery	Richmond	Truman
Ferry	Ketcham	Munroe	Robertson	Warner
Fiero	Lapham	P. P. Murphy	Rotch	Williams
Goss	McGraw	Ramsey	Sessions	

19

FOR THE NEGATIVE.

Blood	Gardiner	Hillhouse	Lawrence	Prosser
Connolly	Grant	Kelly	Manierre	Spinola

10

Mr. Truman moved to amend so as to make said bill the special order for Tuesday evening next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Connolly	Grant	Kelly	Montgomery	Spinola
Ferry	Hammond	Lawrence	Munroe	Truman
Gardiner	Hillhouse	Manierre	Richmond	

14

FOR THE NEGATIVE.

Blood	Lapham	Ramsey	Rotch	Warner
Fiero	P. P. Murphy	Robertson	Sessions	Williams
Goss	Prosser			

13

Mr. Hammond moved to amend so as to make said bill the special order for Wednesday evening next, at 7½ o'clock, unless sooner reached on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Lawrence	P. P. Murphy	Rotch
Ferry	Hillhouse	McGraw	Ramsey	Sessions
Fiero	Ketcham	Montgomery	Richmond	Truman
Gardiner	Lapham	Munroe	Robertson	Warner
				20

FOR THE NEGATIVE.

Blood	Connolly	Grant	Manierre	Williams
Colvin	Goss	Kelly	Prosser	
				9

The hour of 12 o'clock having arrived, the President announced that the Senate would go into executive session.

Mr. Truman moved that the executive session be postponed for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment :

"An act in relation to the publication of legal notices in the counties of Fulton and Hamilton."

"An act to prevent frauds in the sale of tickets upon steamboats steamships and other vessels."

Ordered, That the Clerk deliver said bills to the Governor.

Mr. Colvin, from the committee on the judiciary, to which was recommitted the bill entitled "An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to alter school district number four, in the town of Oyster Bay, Queens county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Hammond moved that the bill entitled "An act to provide for a State board of claims, and to prescribe the powers and duties thereof," be made the special order for Friday evening next, at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act explanatory of the laws of 1845 and 1847, in relation to the laying out of highways," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lawrence, and by unanimous consent, the rule

was suspended, and said bill referred to the committee on roads and bridges, with power to report complete.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to authorize the commissioners of highways to build a bridge over the south branch of the Black river, in the village of Watertown,' passed April 11, 1859," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bell, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, with power to report complete.

By unanimous consent, Mr. Truman asked and obtained leave to introduce a bill entitled "An act to authorize the purchase of flour, meal, &c., for the purpose of inserting 'The Pearsall patent tube' therein, and the right to dispose of the same after said insertion," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

On motion of Mr. Gardiner, and by unanimous consent, the rule was suspended, and the bill entitled "An act to authorize the rector, church wardens and vestrymen of St. Ann's church, Brooklyn, to sell their burial ground and remove remains therefrom," was recommended to the committee on charitable and religious societies, with power to report complete.

The order of general orders having been announced, the President stated the question pending at the time the Senate adjourned last evening under the head of general orders, was the motion of Mr. Truman, that the committee of the whole be discharged from the further consideration of the bill entitled "An act relating to the foreclosure and sale of the New York and Erie railroad," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Blood	Hammond	Lawrence	Munroe	Rotch
Colvin	Hillhouse	McGraw	Ramsey	Sessions
Connolly	Kelly	Manierre	Richmond	Truman
Fiero	Ketcham	Montgomery	Robertson	Warner
Grant	Lapham			

22

FOR THE NEGATIVE.

Ferry	Goss	Pomeroy	Spinola	4
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Ordered, That said bill be engrossed for a third reading.

The President further stated that Mr. Fiero, from the committee of the whole, reported that said committee had had under consideration the bill entitled "An act to alter the map or plan of the city of New York," had made some progress thereon, and asked leave to sit again.

Mr. Connolly moved that the committee of the whole be discharged from the further consideration of said bill, and that it be ordered engrossed for a third reading.

Mr. Lawrence moved to amend so as to refer said bill to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Connolly, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the Corn Exchange Warehousing company."

"An act to amend the act to establish regulations for the port of New York, passed April 17, 1857, and the act amendatory thereof, passed April 15, 1858."

"An act for the relief of insolvent debtors."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Warner, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended, and the Assembly bill entitled "An act authorizing the town of Southfield, Richmond county, to purchase a site for a town house, and also to establish and maintain a jail or lock-up in said town," was recommitted to the committee on the internal affairs of towns and counties, with power to report complete.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act relating to the foreclosure of railroad mortgages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Spinola moved that the Assembly bill entitled "An act to provide for the construction and maintenance of a bridge over the Erie canal, in the village of Cohoes, Albany county," be referred to the first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the Assembly bill entitled "An act to amend the charter of the College of Physicians and Surgeons in the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

On motion of Mr. Munroe, and by unanimous consent, the following entitled bills were recommitted to the committee on literature, with power to report complete, to wit:

"An act to authorize the board of education of the city of Syracuse to dispose of gospel and school lot, in the first ward of said city."

"An act in relation to the high schools of the city of Syracuse."

Mr. Williams presented a report of commissioners relative to the Montezuma salt springs, which was laid on the table and ordered printed.

(See Doc. No. 70.)

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to alter the line between the towns of Copake and Andam, in the county of Columbia," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, with power to report complete.

"An act to release the interest of the State in lands acquired by escheat to Joseph Prair, otherwise called Joseph Prieur," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to alter the boundary line of the town of Fremont," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act to incorporate the Youatt lyceum of New York,' passed April 16, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to authorize the laying of a double railroad track in the city of Brooklyn and county of Kings, and the town of Newtown, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to amend an act authorizing the trustees of school district number twelve, in the towns of Ridgeway and Shelby, Orleans county, to raise money by tax," passed January 28, 1860," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. P. P. Murphy, and by unanimous consent, the rule was suspended, and said bill referred to the committee on literature, with power to report complete.

"An act for the relief of E. Norman Leslie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to revive and continue in force the charter of the village of Durhamville, in the county of Oneida," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to amend an act entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act to protect the fish in the several lakes in the town of Freedom, in the county of Cattaraugus," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act authorizing G. Hulbut, and others, of the village of Tonawanda, to file their claims for damages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to enable James Doig to take, hold and convey real estate and to confirm the title of real estate in said Doig," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Franklin Savings bank, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act for the relief of Alson Adams," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize the sale and conveyance of a portion of lot number 27, in block 118, in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to enable the Rensselaer County Agricultural society to sell its real estate, and change its name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act for encouraging the improvement of the breed of domestic animals," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on agriculture, with power to report complete.

"An act to incorporate the Kings County Dime Savings institution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act for the preservation of fish in Blodgett's pond, so called, in the town of Wethersfield, in the county of Wyoming, New York," which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act for the preservation of fish in Black lake, lying in the county of St. Lawrence," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Montgomery, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, with power to report complete.

"An act to amend an act entitled 'An act to condense and amend the several acts incorporating or relating to the village of Skaneateles, passed April 16, 1857,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act for the relief of C. W. Allis and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

On motion of Mr. Williams, and by unanimous consent,

Resolved, That the Clerk of the Senate furnish each member, officer and reporter, with the same number of copies of the Civil List as is furnished to the members, officers and reporters of the Assembly.

By unanimous consent,

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend chapter 100, laws of 1858, relating to certain roads," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent,

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal the charter of the Westfield and Chautauqua Lake Plankroad company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent,

Mr. Fiero, from the committee on the militia, to which was referred the bill entitled "An act authorizing the Commissary General to furnish the 7th regiment, (National Guard,) with camp equipments," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Connolly moved that the bill entitled "An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street; and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the 10th avenue, and west of a line fifty feet east of the old Kingsbridge road, and running parallel with said road," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent,

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act authorizing the town of Southfield, Richmond county, to purchase a site for a town house, and also to establish and maintain a jail or a lock-up in said town," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent,

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to make the office of supervisor in Erie county, a salaried office, and to regulate the compensation of the clerk of the board of supervisors in said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent,

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Board of Foreign Missions of the Reformed Protestant Dutch church," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Grant moved that the bill entitled "An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act to suppress intemperance, and to regulate the sale of intoxicating liquors," passed April 16, 1857."

"An act for the relief of Clinton L. Colton, Timothy Cook and John W. Conley."

"An act for the relief of Horace Pierce, W. W. Baker. B. A. Son and William Van Horn."

After some time spent thereon, the President resumed the chair, and Mr. Hillhouse, from said committee, reported that they had substituted for the first named bill, the Assembly bill with the same title, had made some progress thereon, and asked leave to sit again.

Mr. Truman moved that the committee of the whole be discharged from the further consideration of said bill, and that it be recommitted to the committee on the judiciary, and retain its place on general orders.

The President put the question whether the Senate would agree to excuse, and it was decided in the affirmative.

Mr. Hillhouse, from the same committee, reported in favor of the

passage of the two last named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Manierre moved that the bill entitled "An act to amend the act to establish regulations for the port of New York, passed April 17, 1857, and the act amendatory thereof, passed April 15, 1858," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Blood moved that the bill entitled "An act to amend chapter 435 of the laws of 1859, entitled 'An act for the relief of the Ausable Plankroad company,'" be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ferry moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Manierre	P. P. Murphy	Ramsey	Warner
Ferry	Montgomery	Prosser	Truman	Williams
Goss	Munroe			

12

FOR THE NEGATIVE.

Blood	Gardiner	Ketcham	McGraw	Rotch
Colvin	Grant	Lapham	J. M. Murphy	Sessions
Connolly	Hammond	Lawrence	Robertson	Spinola
Fiero	Hillhouse			

17

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to provide for the construction and maintenance of a bridge over the Erie canal, in the village of Cohoes, Albany county."

"An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street; and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the 10th avenue, and west of a line fifty feet east the old Kingsbridge road, and running parallel with said road."

After some time spent thereon, the President resumed the chair, and Mr. J. M. Murphy, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. J. M. Murphy, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Fiero moved that said bill, also the bill entitled "An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands

for unpaid taxes,' passed April 13, 1855," be referred to the first committee of the whole.

Pending the question on said motion,

Mr. Hammond moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	McGraw	P. P. Murphy	Rotch	
Ferry	Hillhouse	Manierre	Prosser	Truman	
Fiero	Ketcham	Montgomery	Ramsey	Warner	
Goss	Lapham	Munroe	Robertson	Williams	20

FOR THE NEGATIVE.

Blood	Connolly	Grant	Lawrence	Sessions	
Colvin	Gardiner	Kelly	J. M. Murphy	Spinola	10

The President declared the Senate adjourned.

THURSDAY, MARCH 22, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Witherell.

The journal of yesterday was read and approved.

Messrs. Ketcham, Truman, McGraw and Sessions, severally presented petitions against monopoly in bank note engraving, which were read and referred to the committee on banks.

Mr. Manierre presented two remonstrances against special grants for city railroads, which were read and referred to the committee on the incorporation of cities and villages.

Also, a remonstrance against repeal of the Sunday laws, which were read and referred to the committee on charitable and religious societies.

Also, two petitions of citizens of New York, for a reduction of fare on city railroads to three cents, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Prosser presented a petition of Chas. J. Pierce and F. A. Cook, for allowance of claim for use of pump in section 369 of Erie canal, which was read and referred to the committee on claims.

Mr. Fiero presented a remonstrance against special grants to city railroads, which was read and referred to the committee on the incorporation of cities and villages.

Mr. McGraw presented a remonstrance of citizens of Cortland county, against tolling railroads, and pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Hillhouse presented a remonstrance against special grants for city railroads, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Ramsey presented a petition of Wm. M. Evarts and others, of New York, asking for an increase of the judicial force of that city, which was read and referred to the committee on the judiciary.

Mr. Ketcham presented three petitions of citizens of Columbia county, for an increase of the fees of jurors, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Goss presented a remonstrance of grand jury of Allegany co., against half shire in Allegany county, which was read and referred to the committee on the judiciary.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the village of Penn Yan, in the county of Yates, passed March 29, 1833,' passed March 23, 1852.'"

Ordered, That the Clerk deliver said bill to the Governor.

A message from the Assembly was received, returning the following entitled bill:

"An act in relation to the collection, payment and application of certain assessments in the city of Brooklyn."

Ordered, That the Clerk deliver said bill to the Governor.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to authorize the board of education of the city of Syracuse to dispose of gospel and school lot, in the 1st ward of said city," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act in relation to the high schools of the city of Syracuse," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 1, of title 6, of chapter 20 of the first part of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to alter the line between the towns of Copake and Ancram, in the county of Columbia," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lawrence, from the majority of the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1853," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act for the improvement of the

breed of domestic animals," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend an act authorizing the trustees of school district number 12, in the towns of Ridge-way and Shelby, Orleans county, to raise money by tax, passed Jan. 28, 1860," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Assembly returned the bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein," with a message that they had non-concurred in the amendment of the Senate striking out the words "in each year," in line six of the message of the Senate informing of the amendments of the Senate, and inserting in lieu thereof, the words "during the years 1860, 1861 and 1862."

Also, the amendment, lines 21 to 25 of said message, both inclusive, being a substitute for section 2 of said bill.

Also, the amendment to the title of said bill.

Also, that they had concurred in the remaining amendments of the Senate to said bill.

Mr. Prosser moved that the Senate recede from such portion of their amendments as the Assembly have non-concurred in.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	McGraw	Prosser	Richmond	Warner
Ferry	Munroe	Ramsey	Rotch	Williams
Goss	P. P. Murphy			

12

FOR THE NEGATIVE.

Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	Montgomery	Spinola
Connolly	Hammond	Lapham	J. M. Murphy	Truman
Fiero	Hillhouse	Lawrence	Robertson	

19

Mr. Ramsey moved that a committee of conference be appointed to confer with a like committee on the part of the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act for the relief of Horace Pierce, W. W. Baker, B. A. Son and William Van Horn."

"An act for the relief of Clinton L. Colton, Timothy Cook and John W. Conley."

"An act for the relief of insolvent debtors."

"An act to alter the map or plan of the city of New York."

"An act relating to the foreclosure and sale of the New York and Erie railroad."

The bill entitled "An act to alter the map or plan of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Ketcham	J. M. Murphy	Robertson
Colvin	Grant	Lapham	P. P. Murphy	Rotch
Connolly	Hammond	Montgomery	Ramsey	Sessions
Ferry	Hillhouse	Munroe	Richmond	Williams
Fiero	Kelly			

22

FOR THE NEGATIVE.

Goss	McGraw	Prosser	Spinola	Truman
Lawrence	Manierre			

7

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the foreclosure and sale of the New York and Erie railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Lapham	Munroe	Robertson
Colvin	Hillhouse	McGraw	P. P. Murphy	Sessions
Goss	Kelly	Manierre	Ramsey	Truman
Grant	Ketcham	Montgomery	Richmond	Williams

20

FOR THE NEGATIVE.

Connolly	Lawrence	J. M. Murphy	Spinola	Warner
Ferry				

6

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of insolvent debtors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Munroe	Richmond	Truman
Colvin	Lapham	P. P. Murphy	Robertson	Warner
Ferry	Manierre	Prosser	Rotch	Williams
Fiero	Montgomery	Ramsey	Sessions	

19

FOR THE NEGATIVE.

Blood	Gardiner	Grant	Kelly	McGraw
Connolly	Goss	Hillhouse	Lawrence	Spinola

10

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Westfield gas company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	McGraw	Prosser	Sessions
Colvin	Hammond	Manierre	Ramsey	Spinola
Connolly	Hillhouse	Montgomery	Richmond	Truman
Fiero	Kelly	Munroe	Robertson	Warner
Gardiner	Ketcham	P. P. Murphy	Rotch	Williams
Goss	Lapham			

27

. *Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Colvin and by unanimous consent the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend an act passed April 12, 1856, entitled 'An act to amend an act passed February 16, 1821, entitled 'An act establishing a justice court in the city of Albany, and the acts amendatory thereof, and to regulate the fees of justices and jurors in said court, and in certain proceedings,'" and the same was referred to the committee on the judiciary, with power to report complete.

Mr. Fiero moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Hammond, and by unanimous consent, the committee of the whole was discharged from the farther consideration of the bill entitled "An act to erect a new county from part of the county of Steuben, to be called the county of 'Conhocton,' and to provide for the holding of the courts therein," and the same was referred to the committee on the judiciary, with power to report complete.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to regulate the compensation of supervisors for distributing the public school moneys," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to authorize the trustees of Gorham cemetery to include in their original plot of ground the old burying ground lying adja-

cent thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies..

By unanimous consent, Mr. Williams asked and obtained leave to introduce a bill entitled "An act to amend chapter 178 of the laws of 1859, entitled 'An act to erect the towns of Throop and Montezuma, and reorganize the town of Mentz, in Cayuga county,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Williams, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, with power to report complete.

By unanimous consent, Mr. Fiero moved that the following entitled bills be referred to the first committee of the whole not full, to wit:

"An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855."

"An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street; and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the 10th avenue, and west of a line fifty feet east of the old Kingsbridge road, and running parallel with said road."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bell, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to the sale of bottles used by the manufacturers of mineral waters and others,' passed May 7, 1847," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act passed April 12, 1856, entitled 'An act to amend an act passed February 16, 1821, entitled 'An act establishing a justices' court in the city of Albany, and the acts amendatory thereof, and to regulate the fees of justices and jurors in said court, and in certain proceedings,'" with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Colvin moved that the Assembly bill entitled "An act to provide for the appointment of deputy inspectors of gas meters, to reside in different parts of this State," be re-committed to the committee on the internal affairs of towns and counties, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Williams offered the following resolution :

Resolved, That there be printed of the report of the Commissioners of the Montezuma Salt Springs, 500 extra copies—300 for the use of the Senate, and 200 for the use of the committee.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to erect a new county from part of the county of Steuben, to be called the county of 'Conhocton,' and to provide for the holding of the courts therein," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Robertson, and by unanimous consent, the bill entitled "An act authorizing the town of Yonkers to raise money by loan to Macadamize the Albany post road from Kingsbridge to Yonkers, and to plank the causeway leading from Kingsbridge to Spuyten Duyvil bridge," was recommitted to the committee on roads and bridges, with power to report complete.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend the act to establish regulatinos for the port of New York, passed April 17, 1857, and the act amendatory thereof, passed April 15, 1858."

"An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street; and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the tenth avenue, and west of a line 50 feet east of the old Kingsbridge road, and running parallel with said road."

"An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855."

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported that the committee had gone through with the first named bill, and struck out the enacting clause, which report was agreed to, and said bill rejected.

Mr. P. P. Murphy, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. P. P. Murphy, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Truman moved that the committee of the whole be discharged from the further consideration of said bill, and that it be referred to the committee on the judiciary, to report complete.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill:

"An act to amend an act entitled 'An act for the removal of obstructions from Harlem river, and for a free bridge over the same,' passed April 16, 1858, as amended April 15, 1859," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on commerce and navigation, with power to report complete.

By unanimous consent, Mr. Lawrence moved that the Assembly bill entitled "An act creating certain additional officers in the town of Southold, in the county of Suffolk," be recommitted to the committee on the internal affairs of towns and counties, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Munroe moved that the bill entitled "An act to allow the Syracuse and Tully Plankroad company, to appeal in certain cases," be recommitted to the committee on roads and bridges, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend chapter 178 of the laws of 1859, in relation to the reorganization of the town of Mentz, in Cayuga county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act creating certain additional officers in the town of Southold, in the county of Suffolk," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the appointment of deputy inspectors of gas meters, to reside in different parts of this State," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Ramsey moved that the Assembly bill entitled "An act to confirm and make valid and effectual certain ordinances of the common council of the city of New York," be recommitted to the committee on the incorporation of cities and villages, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Prosser moved that the committee on the incorporation of cities and villages, be discharged from the fur-

ther consideration of the Assembly bill entitled "An act relating to the street railways in the city of Buffalo," and that it be referred to the committee on railroads, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Goss, from the committee on roads and bridges, to which was referred the bill entitled "An act to allow the Syracuse and Tully Plankroad company, to appeal in certain cases," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from Harlem river, and for a free bridge over the dam, passed April 16, 1858,' as amended April 15, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled as follows:

"An act in relation to the fees of grand and petit jurors."

Ordered, That the Clerk return said bill to the Assembly.

A message from the Assembly was also received, returning the bill entitled as follows:

"An act to amend sections 27 and 29, of title 5 of 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. P. P. Murphy, the Senate adjourned.

FRIDAY, MARCH 23, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Witherell.

The journal of yesterday was read and approved.

Mr. Ketcham presented five petitions of citizens of New York and Dutchess counties, for the reduction of freight on milk on the Harlem railroad.

Mr. Robertson moved that said petition, together with the bill entitled "An act to regulate the rate of milk freight on the New York and Erie railroad," be referred to the committee on railroads, the said bill to retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson presented twelve petitions of citizens of New York

and Westchester counties on same subject, which were read and referred to the committee on railroads.

Also, a petition of inhabitants of Yonkers, for authority to raise money to Macadamize highways, which was read and laid on the table.

Also, a remonstrance against incorporating the village of White Plains, which was read and referred to the committee on the incorporation of cities and villages.

Mr. P. P. Murphy presented a remonstrance of twenty-one of the twenty-nine supervisors of Allegany county, against half shire in said county, which was read and referred to the committee on the judiciary.

Mr. Lapham presented two petitions of inhabitants of Clinton co., for pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Grant presented three petitions of citizens of Orange county, for a fixed rate of milk freight on the New York and Erie railroad, which were read and referred to the committee on railroads.

Mr. Ramsey presented two remonstrances against repeal of the act in relation to division of ward in the city of Schenectady, which were read and referred to the committee on the incorporation of cities and villages.

Also, a remonstrance of citizens of Schenectady, against pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Warner, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to authorize the rector, church wardens and vestrymen of St. Ann's church, Brooklyn, to sell their burial ground and remove remains therefrom," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act relating to street railways in the city of Buffalo," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act authorizing G. Hurlbut and others, of the village of Tonawanda, to file their claims for damages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the remonstrance of citizens of Brooklyn, against repeal of Sunday laws, reported by bill entitled "An act to preserve the public peace and order on the first day of the week, commonly called Sunday," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Ketcham, from the committee on insurance companies, to

which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Youatt Lyceum of New York,' passed April 16, 1858," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm and make valid and effectual certain ordinances of the common council of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Commissioners of the Montezuma Salt Springs, reported in favor of the adoption of the following resolution :

Resolved, That there be printed of the report of the Commissioners of the Montezuma Salt Springs, 400 extra copies—100 for the use of the Senate, and 300 for the use of the commissioners.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the construction of a railroad in certain streets and avenues in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the construction of a railroad in certain streets and avenues in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to incorporate the Hoboken and Williamsburgh Railroad company," reported the same for the consideration of the Senate, with an amendment, and said bill was committed to the committee of the whole.

Mr. Richmond, from the minority of the committee on the incorporation of cities and villages, to which was referred the bill entitled

"An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," reported in writing, which report was laid on the table and ordered printed.
(See Doc. No. 00.)

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to allow the Syracuse and Tully Plankroad company to appeal in certain cases."

"An act to amend chapter 178 of the laws of 1859, entitled 'An act to erect the towns of Throop and Montezuma, and reorganize the town of Mentz.'"

"An act to erect a new county from part of the county of Steuben, to be called the county of 'Conhocton,' and to provide for the holding of the courts therein."

"An act to amend an act passed April 12, 1856, entitled 'An act to amend an act passed February 16, 1821, entitled 'An act establishing a justices' court in the city of Albany, and the acts amendatory thereof, and to regulate the fees of justices and jurors in said court, and in certain proceedings.'"

Mr. Bell, from the committee on manufactures, to which was referred the bill entitled "An act to authorize the purchase of flour, meal, &c., for the purpose of inserting 'The Pearsall Patent Tube' therein, and the right to dispose of the same after said insertion," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prosser, from the committee on canals, to which was referred the Assembly bill entitled 'An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abell, from the committee on railroads, to which was referred the bill entitled "An act to amend the charter of the Watertown and Rome Railroad company," reported in favor of the passage of the same, with amendments.

On motion of Mr. Bell, and by unanimous consent, the rule was suspended, and said bill referred to the committee on railroads, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to legalize the election of trustees in the village of Avon, in Livingston county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to revive and continue in force the charter of the village of Durhamville, in the county of Oneida," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An

act to authorize the sale and conveyance of a portion of lot No. 127, in block 118, in the city of Oswego," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to alter the map or plan of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President announced the appointment of Messrs. P. P. Murphy, Grant and Truman, as the committee of conference on the part of the Senate, on the Assembly bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein."

Mr. Hammond moved to reconsider the vote of yesterday ordering a committee of conference on said bill.

The President decided the motion not in order, reports of standing committees being the present order of business.

Mr. Spinola moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Lawrence	Robertson
Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	J. M. Murphy	Spinola
Connolly	Hammond	Lapham	Richmond	

19

FOR THE NEGATIVE.

Bell	McGraw	P. P. Murphy	Rotch	Warner
Ferry	Montgomery	Prosser	Traman	Williams
Goss	Munroe	Ramsey		

13

The order of business of messages from the Governor having been announced,

Mr. Spinola moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Lawrence	Robertson
Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	J. M. Murphy	Spinola
Connolly	Hammond	Lapham		

18

FOR THE NEGATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner
Ferry	Montgomery	Prosser	Rotch	Williams
Goss	Munroe	Ramsey	Truman	

14

The order of business of introduction of bills having been announced,

Mr. Spinola moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Lawrence	Robertson
Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	J. M. Murphy	Spinola
Connolly	Hammond	Lapham		

12

FOR THE NEGATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner	
Ferry	Montgomery	Prosser	Rotch	Williams	
Goss	Munroe	Ramsey	Truman		14

The order of business of third reading of bills having been announced,

Mr. Sessions moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Lawrence	Robertson	
Blood	Gardiner	Kelly	Manierre	Sessions	
Colvin	Grant	Ketcham	J. M. Murphy	Spinola	
Connolly	Hammond	Lapham			18

FOR THE NEGATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner	
Ferry	Montgomery	Prosser	Rotch	Williams	
Goss	Munroe	Ramsey	Truman		14

The bill entitled "An act for the relief of Clinton L. Colton, Timothy Cook and John W. Conley," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Colvin	Hammond	Lawrence	P. P. Murphy	Rotch	
Connolly	Hillhouse	McGraw	Ramsey	Spinola	
Gardiner	Kelly	Montgomery	Richmond	Warner	
Goss	Ketcham	Munroe	Robertson		19

FOR THE NEGATIVE.

Prosser	Sessions	Williams			3
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Horace Pierce, W. W. Baker, B. A. Son and William Van Horn," was read a third time time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Ferry	Kelly	Montgomery	P. P. Murphy	Rotch	
Gardiner	Lapham	Munroe	Ramsey	Spinola	
Goss	Lawrence	J. M. Murphy	Robertson	Warner	
Hammond	McGraw				17

FOR THE NEGATIVE.

Abell	Colvin	Grant	Ketcham	Sessions	
Blood	Fiero	Hillhouse	Richmond	Williams	10

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lapham	J. M. Murphy	Rotch
Blood	Hillhouse	McGraw	P. P. Murphy	Sessions
Connolly	Kelly	Montgomery	Ramsey	Spinola
Gardiner	Ketcham	Munroe	Robertson	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend the charter of the College of Physicians and Surgeons in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	P. P. Murphy	Rotch
Bell	Goss	Lapham	Prosser	Sessions
Blood	Hammond	Lawrence	Richmond	Spinola
Colvin	Hillhouse	Manierre	Robertson	Warner
Connolly	Kelly	Montgomery		

23

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act creating certain additional officers in the town of Southold, in the county of Suffolk," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	Lawrence	P. P. Murphy	Sessions
Colvin	Grant	Manierre	Prosser	Truman
Connolly	Hillhouse	Montgomery	Ramsey	Warner
Fiero	Kelly	Munroe	Rotch	Williams
Gardiner	Lapham	J. M. Murphy		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street; and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the tenth avenue, and

west of a line 50 feet east of the old Kingsbridge road, and running parallel with said road."

The bill entitled "An act to erect a new county from part of the county of Steuben, to be called the county of 'Conhocton,' and to provide for the holding of the courts therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hillhouse	Montgomery	Prosser
Bell	Goss	Kelly	Munroe	Robertson
Blood	Grant	Ketcham	J. M. Murphy	Sessions
Colvin	Hammond	Lapham	F. P. Murphy	Spinola
Connolly				

21

FOR THE NEGATIVE.

Williams	1
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the town of Southfield, Richmond county, to purchase a site for a town house, and also to establish and maintain a jail or lock-up in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Montgomery	Rotch
Bell	Gardiner	Lapham	Prosser	Sessions
Blood	Hammond	Lawrence	Richmond	Spinola
Colvin	Hillhouse	McGraw	Robertson	Truman
Connolly	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the construction and maintenance of a bridge over the Erie canal, in the village of Cohoes, Albany county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Hillhouse	McGraw	Robertson
Colvin	Goss	Kelly	Manierre	Sessions
Connolly	Grant	Ketcham	J. M. Murphy	Spinola
Fiero	Hammond	Lapham	Richmond	Williams

20

FOR THE NEGATIVE.

Abell	McGraw	Prosser	Rotch	Warner
Bell	Montgomery			

7

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to alter the line between the towns of Copake and Ancram, in the county of Columbia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	J. M. Murphy	Sessions
Bell	Gardiner	Lapham	Ramsey	Spinola
Blood	Goss	Lawrence	Robertson	Warner
Colvin	Hillhouse	McClraw	Rotch	Williams
Connolly	Kelly	Montgomery		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for encouraging the improvement of the breed of domestic animals, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

• FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	J. M. Murphy	Robertson
Blood	Grant	Lapham	Prosser	Sessions
Colvin	Hammond	Lawrence	Ramsey	Spinola
Connolly	Hillhouse	Montgomery	Richmond	Williams
Fiero	Kelly			

23

FOR THE NEGATIVE.

Abell	Goss			
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2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act authorizing the trustees of school district number 12, in the towns of Ridgeway and Shelby, Orleans county, to raise money by tax, passed January 28, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	P. P. Murphy	Sessions
Bell	Goss	Lapham	Prosser	Truman
Blood	Grant	Lawrence	Ramsey	Warner
Colvin	Hammond	Montgomery	Robertson	Williams
Connolly	Hillhouse	Munroe	Rotch	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An

act in relation to the sale of bottles used by the manufacturers of mineral water and others,' passed May 7, 1847," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Prosser	Truman
Bell	Goss	Lapham	Robertson	Warner
Blood	Grant	Manierro	Rotch	Williams
Connolly	Hillhouse	Montgomery	Sessions	

19

FOR THE NEGATIVE.

Lawrence

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend an act passed April 12, 1856, entitled 'An act to amend an act passed February 16, 1821, entitled 'An act establishing a justices' court in the city of Albany, and the acts amendatory thereof, and to regulate the fees of justices and jurors in said court, and in certain proceedings,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Sessions
Bell	Gardiner	Ketcham	Prosser	Spinola
Blood	Goss	Lapham	Ramey	Warner
Colvin	Grant	Manierro	Richmond	Williams
Connolly	Hammond	Montgomery	Rotch	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street; and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the 10th avenue, and west of a line fifty feet east of the old Kingsbridge road, and running parallel with said road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Hillhouse	Montgomery	Richmond
Bell	Fiero	Ketcham	Munroe	Robertson
Blood	Grant	Lapham	P. P. Murphy	Rotch
Colvin	Hammond	McGraw	Ramey	Warner

20

FOR THE NEGATIVE.

Lawrence	J. M. Murphy	Spinola	Williams	
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4

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 178 of the laws of 1859, entitled 'An act to erect the towns of Throop and Montezuma, and reorganize the town of Mentz, in Cayuga county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	P. P. Murphy	Sessions
Bell	Goss	McGraw	Prosser	Spinola
Blood	Hammond	Montgomery	Ramsey	Truman
Colvin	Hillhouse	Munroe	Richmond	Warner
Connolly	Ketcham	J. M. Murphy	Robertson	Williams

25

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the appointment of deputy inspectors of gas meters, to reside in different parts of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Hillhouse	Montgomery	Prosser	Sessions
Blood	Ketcham	Munroe	Ramsey	Truman
Colvin	Lapham	J. M. Murphy	Richmond	Warner
Connolly	McGraw	P. P. Murphy	Robertson	

19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to allow the Syracuse and Tully Plank-road company, to appeal in certain cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Lapham	Prosser	Sessions
Blood	Hillhouse	McGraw	Ramsey	Truman
Colvin	Kelly	Munroe	Richmond	Warner
Connolly	Ketcham	P. P. Murphy	Robertson	

19

FOR THE NEGATIVE.

Abell Lawrence

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the high schools of the city of Syracuse," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	P. P. Murphy	Robertson
Bell	Gardiner	Kelly	Prosser	Rotch
Blood	Goss	Ketcham	Ramsey	Sessions
Colvin	Grant	Montgomery	Richmond	Truman
Connolly	Hammond	Munroe		

23

FOR THE NEGATIVE.

Lapham				
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1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in regard to divorces dissolving the marriage contract," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Ramsey	Sessions
Colvin	Hillhouse	Manierre	Richmond	Warner
Connolly	Kelly	J. M. Murphy	Robertson	Williams
Fiero	Ketcham	Prosser	Rotch	

19

FOR THE NEGATIVE.

Abell	Gardiner	Hammond	McGraw	P. P. Murphy
Blood	Grant	Lawrence	Montgomery	Truman

10

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the board of education of the city of Syracuse to dispose of gospel and school lot, in the first ward of said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Hammond	McGraw	Ramsey	Sessions
Fiero	Hillhouse	Montgomery	Richmond	Spinola
Gardiner	Kelly	Munroe	Robertson	Truman
Goss	Ketcham	P. P. Murphy	Rotch	Warner
Grant	Lawrence	Prosser		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to alter school district No. 4, in the town of Oyster Bay, Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	McGraw	Ramsey	Spinola
Colvin	Kelly	Munroe	Robertson	Truman
Colvin	Ketcham	J. M. Murphy	Rotch	Warner
Fiero	Lapham	P. P. Murphy	Sessions	Williams
Grant	Lawrence	Prosser		
Hammond				

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hammond moved that the committee of conference appointed under the resolution of yesterday, on the Assembly bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein," be discharged from the further consideration of the subject.

Mr. Prosser raised the point of order, that as the conference committee had been appointed in pursuance of the joint rules, over which the Senate has no control, without the consent of the Assembly, until the committee have performed their mission; hence it is not now in order to move to discharge the committee.

The President decided the point of order not well taken.

Mr. Warner called for a division of the question.

The President put the question whether the Senate would agree to so much of the motion of Mr. Hammond as relates to the discharge of the first member of the committee, Mr. P. P. Murphy, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	Lapham	Robertson	
Blood	Gardiner	Hillhouse	Lawrence	Sessions	
Colvin	Grant	Kelly	J. M. Murphy	Spinola	15

FOR THE NEGATIVE.

Bell	Ketcham	Munroe	Ramsey	Truman	
Ferry	McGraw	P. P. Murphy	Richmond	Warner	
Fiero	Manierre	Prosser	Rotch	Williams	
Goss	Montgomery				17

The President put the question whether the Senate would to so much as relates to the discharge of the second member of the committee, Mr. Grant, and the vote was as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hillhouse	Lawrence	Robertson	
Blood	Grant	Kelly	Manierre	Sessions	
Colvin	Hammond	Lapham	J. M. Murphy	Spinola	
Connolly					16

FOR THE NEGATIVE.

Bell	Ketcham	Munroe	Ramsey	Truman	
Ferry	McGraw	P. P. Murphy	Richmond	Warner	
Fiero	Montgomery	Prosser	Rotch	Williams	
Goss					16

The President voted in the negative and declared the motion lost.

The President then put the question whether the Senate would agree to so much as relates to the discharge of the third member of the committee, Mr. Truman, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Kelly	Lawrence	Robertson	
Blood	Grant	Ketcham	Manierre	Sessions	
Colvin	Hammond	Lapham	J. M. Murphy	Spinola	
Connolly	Hillhouse				17

FOR THE NEGATIVE.

Bell	Goss	Munroe	Ramsey	Truman	
Ferry	McGraw	P. P. Murphy	Richmond	Warner	
Fiero	Montgomery	Prosser	Rotch	Williams	18

Mr. Spinola moved that Mr. Sessions be appointed as the third member of said committee.

Mr. Ferry moved to amend by striking out the name of "Mr. Sessions" and inserting the name of "Mr. Gardiner."

Mr. McGraw moved further to amend so that the President shall fill said vacancy.

Mr. Warner raised the point of order, that under the rules the vacancy must be filled by the President, unless otherwise directed.

The President decided the point of order well taken.

Mr. Hammond then moved to reconsider so much of the resolution appointing a committee of conference as relates to the appointment of the third member of said committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Lawrence	Robertson
Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	J. M. Murphy	Spinola
Connolly	Hammond	Lapham		
18				

FOR THE NEGATIVE.

Bell	Montgomery	Prosser	Rotch	Warner
Ferry	Munroe	Ramsey	Truman	Williams
Goss	P. P. Murphy	Richmond		
18				

Mr. Hammond moved that Mr. Sessions be appointed as the third member of said committee, in place of Mr. Truman.

Mr. Ferry moved to amend by striking out the name of "Mr. Sessions" and inserting the name of "Mr. Gardiner."

The President put the question whether the Senate would agree to said motion of Mr. Ferry, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	P. P. Murphy	Truman	Williams
Ferry	Munroe	Rotch	Warner	
9				

FOR THE NEGATIVE.

Abell	Gardiner	Kelly	McGraw	Ramsey
Blood	Grant	Ketcham	Manierre	Robertson
Colvin	Hammond	Lapham	Montgomery	Sessions
Connolly	Hillhouse	Lawrence	J. M. Murphy	Spinola
Fiero				
21				

The President then put the question whether the Senate would agree to said motion of Mr. Hammond, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Munroe	Robertson
Blood	Grant	Lapham	J. M. Murphy	Rotch
Colvin	Hammond	Lawrence	Ramsey	Sessions
Connolly	Hammond	Manierre	Richmond	Spinola
Fiero	Kelly	Montgomery		
23				

FOR THE NEGATIVE.

Bell	Goss	P. P. Murphy	Truman	Williams
Ferry	McGraw	Prosser	Warner	
9				

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment :

"An act to amend an act amending the charter of the village of Seneca Falls."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Spinola, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

On motion of Mr. Warner, and by unanimous consent,

Resolved, That the bill entitled "An act to preserve the public peace and order on the first day of the week, commonly called Sunday," be referred to the committee on charitable and religious societies, with power to report complete.

By unanimous consent, Mr. Ketcham moved that the Assembly bill entitled "An act to constitute the village of Argyle, in the county of Washington, a separate road district," be recommitted to the committee on the incorporation of cities and villages, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Robertson moved that the bill entitled "An act to authorize the town of Westchester, to build a dock at the end of a new road on Eastchester bay," be recommitted to the committee on commerce and navigation, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Colvin moved that the bill entitled "An act to enlarge the powers and jurisdiction of the Courts of Sessions of the several counties in this State," be recommitted to the committee on the judiciary, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Williams offered the following resolution :

Resolved, (if the Assembly concur,) That the Clerk of each House furnish each member, officer and reporter of their respective houses, with one set of the Colonial History of the State of New York.

Ordered, That said resolution be laid on the table.

By unanimous consent, Mr. Ramsey moved that the Assembly bill entitled "An act to confirm and make valid and effectual a certain ordinance of the common council of the city of New York," be recommitted to the committee on the incorporation of cities and villages, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Manierre moved that the bill entitled "An act to incorporate the New York City Library Association," be recommitted to the committee on literature, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Ramsey moved that the bill entitled "An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison," be recommitted to the committee on the judiciary, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Gardiner moved that the bill entitled "An act to incorporate the gymnasium of the Brooklyn Young Men's Christian Association," be recommitted to the committee on charitable and religious societies, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the special order being the bill entitled as follows:

"An act to provide for a State Board of Claims, and to prescribe the powers and duties thereof."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said special order.

After some time spent thereon, the President resumed the chair, and Mr. Goss, from said committee, reported that they had gone through with the same and struck out the enacting clause, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Colvin presented a petition of members of the Young Men's Association of the city of Albany, for an amendment of their charter in respect to voting for officers of said association, which was read and referred to the committee on literature.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes, passed April 13, 1855," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to enlarge the powers and jurisdiction of the Courts of Sessions of the several counties in this State," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Warner, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to preserve the public peace and order on the first day of the week, commonly called Sunday," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Ketcham presented a remonstrance of sixty-three persons engaged in the freighting business on the Hud-

son river, against the bill in relation to harbor masters, which was read and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Lapham moved that the bill entitled "An act in relation to the Port Jackson and Union Falls Plankroad association, in the towns of Peru and Schuylers Falls, in Clinton co.," be recommitted to the committee on roads and bridges, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Grant, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the gymnasium of the Brooklyn Young Men's Christian Association," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the town of Westchester, county of Westchester, to raise money to build a dock on Eastchester bay," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Gardiner moved that the bill entitled "An act in relation to land under water in front of the city of Brooklyn," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Williams, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Metropolitan Savings Bank of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm and make valid and effectual a certain ordinance of the common council of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Blood moved that the Assembly bill entitled "An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes," be recommitted to the committee on the internal affairs of towns and counties, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act authorizing the town of Yonkers to raise money by loan to Macadamize the Albany post road from Kingsbridge to Yonkers, and to plank the causeway leading from Kingsbridge to Spuyten Duyvil bridge," with power to

report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act explanatory of the laws of 1845 and 1847, in relation to the laying out of highways," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend the act entitled 'An act to authorize the commissioners of highways to build a bridge across the south branch of the Black river, in the village of Watertown,' passed April 11, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. J. M. Murphy, from a majority of the committee on commerce and navigation, to which was referred the bill entitled "An act for the better protection of steamboat piers in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

In pursuance of previous notice, given by Mr. Ferry, Mr. Hammond moved to suspend so much of the 26th rule as prohibits bills being ordered to a third reading without being acted upon in committee of the whole, in order to enable him to offer a resolution for a committee of eight.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman (for Mr. Ferry,) offered the following resolution:

Resolved, That a select committee of eight be appointed by the President, to whom shall be referred all bills on the general orders, with instructions to select therefrom such bills as are in their judgment proper to be referred to the standing committees who reported them, with power to report complete; but the committee shall not report any bill making an appropriation from the public treasury, nor any bill relating to city railroads, nor shall they have power to take any bill from the general orders without the assent of six of the members of said committee; the committee shall make a list of the bills so taken off by them, which list shall be read by the Clerk, and if approved of by a majority of all the members of the Senate, the said bills shall be so referred. No standing committee to whom any bill shall be referred back to report complete, by virtue of this resolution, shall be authorized to incorporate any amendment embracing a subject wholly distinct from the subject of the bill referred to them.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to land under water in front of the city of Brooklyn."

"An act for the prevention of frauds in the transfer of stock, and for the protection of stockholders."

"An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Lawrence, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lapham, from a majority of the committee on roads and bridges, to which was referred the bill entitled "An act in relation to the Port Jackson and Union Falls Plankroad association, in the towns of Peru and Schuyler Falls, in Clinton county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Prosser asked and obtained leave to introduce a bill entitled "An act to further amend an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' as far as the same relates to the village of Tonawanda, in Erie county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to protect the contractors engaged in the removal of Diamond reef, in the harbor of New York, from interference or damage by vessels," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Fiero moved that the bill entitled "An act in relation to land under water in front of the city of Brooklyn," be recommitted to the committee on the judiciary, to retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Fiero, the Senate adjourned.

SATURDAY, MARCH 24, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Witherell.

The journal of yesterday was read and approved.

Mr. Lapham presented two petitions of inhabitants of Clinton co., for pro rata freight law, which were read and referred to the select committee on that subject.

Mr. Grant presented a petition of landowners of the town of Nev-ersink, for laws to protect them in their rights of property, which was read and referred to the committee on the judiciary.

Mr. Ketcham presented a petition of Croton River Bank, against monopoly in bank note engraving, which was read and referred to the committee on banks.

Also, a petition of milkmen in Dutchess and Columbia counties, for reduction of milk tariff on Harlem railroad, which was read and referred to the committee on railroads.

Mr. Hillhouse presented a remonstrance of citizens of Seneca Falls, against pro rata freight law, which was read and referred to the select committee on that subject.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act to incorporate the New York City Library Association," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to regulate the compensation of supervisors for distributing the public school moneys," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on Indian affairs, to which was referred the petition of citizens of Cattaraugus county, for the passage of a law to build a bridge across the Allegany river, on the Indian Reservation, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to alter the boundary line of the town of Fremont," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to regulate the places of holding the special and motion terms of the Supreme Court, in the county of Albany," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act for protection of insecure buildings, and defining the liabilities of owners, occupants, architects and builders," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Prosser asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act providing for the better collection of county taxes in the city of Buffalo, and for the sale by the treasurer of Erie county of lands in

said city for unpaid taxes,' passed April 7, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize the rector, church wardens and vestrymen of St. Ann's church, Brooklyn, to sell their burial ground and remove remains therefrom."

"An act to amend chapter 100, laws of 1858, relating to certain roads."

"An act to repeal the charter of the Westfield and Chautauqua Lake Plankroad company"

"An act to authorize the town of Westchester, in the county of Westchester, to build a dock at the end of a new road in Eastchester bay."

"An act authorizing the town of Yonkers to raise money by loan to Macadamize the Albany Post road from Kingsbridge to Yonkers, and to plank the causeway leading from Kingsbridge to Spuyten Duyvil bridge."

"An act in relation to the Port Jackson and Union Falls Plankroad Association, in the towns of Peru and Schuyler Falls, in Clinton county."

"An act to preserve the public peace and order of the first day of the week, commonly called Sunday."

"An act to incorporate the Gymnasium of the Brooklyn Young Men's Association."

"An act to amend an act entitled 'An act respecting elections other than militia and town officers,' passed April 5, 1842."

"An act to amend an act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes, passed April 13, 1855."

"An act to enlarge the powers and duties of the Courts of Sessions of the several counties in this State."

The bill entitled "An act in relation to the Port Jackson and Union Falls Plankroad Association, in the towns of Peru and Schuyler Falls, in Clinton county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hillhouse	J. M. Murphy	Rotch
Bell	Goss	Ketcham	P. P. Murphy	Spinola
Colvin	Grant	Lapham	Prosser	Warner
Fiero	Hammond	Montgomery	Ramsey	Williams

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal the charter of the Westfield and Chautauqua Lake Plankroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hillhouse	J. M. Murphy	Rotch
Bell	Goss	Ketcham	P. P. Murphy	Sessions
Colvin	Grant	Lapham	Prosser	Warner
Connolly	Hammond	Montgomery	Ramsey	Williams
Fiero				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to preserve the public peace and order on the first day of the week, commonly called Sunday," having been announced,

Mr. P. P. Murphy moved that it be postponed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to incorporate the Gymnasium of the Brooklyn Young Men's Christian Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	J. M. Murphy	Ramsey
Bell	Gardiner	Lapham	P. P. Murphy	Rotch
Colvin	Hammond	Montgomery	Prosser	Warner
Connolly	Hillhouse			

17

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	J. M. Murphy	Rotch
Bell	Gardiner	Ketcham	P. P. Murphy	Sessions
Blood	Goss	Lapham	Prosser	Truman
Colvin	Grant	Montgomery	Ramsey	Williams
Connolly	Hammond			

22

FOR THE NEGATIVE.

Warner

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enlarge the powers and jurisdiction of the Courts of Sessions of the several counties in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hammond	Montgomery	Rotch
Blood	Gardiner	Hillhouse	J. M. Murphy	Sezions
Colvin	Goss	Ketcham	P. P. Murphy	Williams
Connolly	Grant	Lapham	Ramsey	

19

FOR THE NEGATIVE.

Prosser Truman

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. P. P. Murphy moved to reconsider the vote postponing the third reading of the bill entitled "An act to preserve the public peace and order on the first day of the week, commonly called Sunday."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. P. P. Murphy moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Clerk was proceeding to read said bill, when

Mr. Prosser moved to recommit, with instructions to amend by adding the words "without the consent of the common council."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	P. P. Murphy	Truman
Bell	Fiero	Hillhouse	Ramsey	Warner
Blood	Goss	Ketcham	Rotch	Williams
Colvin	Grant			

17

FOR THE NEGATIVE.

Gardiner Lapham Montgomery Prosser Sezions

5

On motion of Mr. Rotch, and by unanimous consent, the rule was suspended, and said bill ordered transmitted to the Assembly immediately.

The third reading of the bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," having been announced

Mr. Gardiner moved that said bill be recommitted to Senators from Kings county, with power to report complete.

The President put the question whether the Senate would agree to said motion and it was determined in the affirmative.

The bill entitled "An act to amend an act entitled 'An act res-

pecting elections other than for militia and town officers,' passed April 5, 1842," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	P. P. Murphy	Sessions
Bell	Gardiner	Ketcham	Prosser	Truman
Blood	Goss	Lapham	Ramsey	Warner
Colvin	Hammond	Montgomery	Rotch	Williams
Connolly				

21

FOR THE NEGATIVE.

Grant	1
-------	---

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 100, laws of 1858, relating to certain roads," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	P. P. Murphy	Sessions
Bell	Gardiner	Ketcham	Prosser	Truman
Blood	Goss	Lapham	Ramsey	Warner
Colvin	Hammond	Montgomery	Rotch	Williams
Connolly				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the rector, church wardens and vestrymen of St. Ann's church, Brooklyn, to sell their burial ground and remove remains therefrom," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Ketcham	P. P. Murphy	Sessions
Bell	Gardiner	Lapham	Prosser	Truman
Blood	Hammond	Montgomery	Ramsey	Warner
Colvin	Hillhouse	J. M. Murphy	Rotch	

19

FOR THE NEGATIVE.

Fiero	Grant	Williams	2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the places of holding the special and motion terms of the Supreme Court, in the county of Albany," with power to report complete, reported the same complete

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	P. P. Murphy	Sessions
Blood	Grant	Lapham	Prosser	Truman
Colvin	Hammond	Montgomery	Ramsey	Warner
Connolly	Hillhouse	J. M. Murphy	Rotch	Williams
Fiero				

21

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and said bill ordered transmitted to the Assembly immediately.

The Assembly bill entitled "An act relating to street railways in the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Hammond	Montgomery	Ramsey
Blood	Gardiner	Hillhouse	J. M. Murphy	Rotch
Colvin	Goss	Ketcham	P. P. Murphy	Sessions
Connolly	Grant	Lapham	Prosser	Spinola

20

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to confirm and make valid and effectual certain ordinances of the common council of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Grant	Lapham	Ramsey
Bell	Fiero	Hammond	Montgomery	Rotch
Blood	Gardiner	Hillhouse	J. M. Murphy	Truman
Colvin	Goss	Ketcham	P. P. Murphy	

19

FOR THE NEGATIVE.

Williams

1

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to confirm and make valid and effectual a certain ordinance of the common council of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	Montgomery	Ramsey
Bell	Fiero	Hillhouse	J. M. Murphy	Rotch
Blood	Gardiner	Ketcham	P. P. Murphy	Sessions
Colvin	Grant	Lapham	Prosser	Truman

5

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Prosser offered the following resolution:

Resolved, That when the Senate adjourns, it adjourn to meet at 7 o'clock, Monday evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	Ketcham	Prosser
Blood	Fiero	Hillhouse	Lapham	Sessions
Colvin	Gardiner	Kelly		

13

FOR THE NEGATIVE.

Bell	Grant	P. P. Murphy	Rotch	Warner
Goss	Montgomery	Ramsey	Truman	

9

Mr. Goss offered the following resolution:

Resolved, (if the Assembly concur,) That the Legislature will adjourn *sine die*, on Friday the 13th day of April next, at 11 A. M.

Ordered, That said resolution be laid on the table.

Mr. Connolly offered the following resolution:

Resolved, That the Clerk furnish each of the pages with one copy of the civil list.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Ramsey moved to take from the table the following resolution:

Resolved, (if the Senate concur,) That the Secretary of State be directed to cause all of the laws of this State, relating to highways, bridges and ferries, to be collected and published in pamphlet form, with such notes and explanations as in his opinion are necessary for the understanding of the same; and that he cause 7,500 copies of the same to be printed, of which he shall distribute one copy to each county clerk, town clerk, clerk of the board of supervisors, and commissioners of highways, through the clerks of the several counties; and the remaining copies shall be held by him, subject to the direction of the Legislature."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Goss moved to amend by striking out all after the word "concur," and inserting "That the Secretary of State be authorized to purchase and send to each of the highway commissioners of the several towns of this State, at the expense of the State, one copy of Rishop's work on highways and bridges."

Mr. Truman moved further to amend, so as to refer the whole

subject to the committee on public printing, to ascertain the cost of said work.

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative.

Mr. Sessions, from the select committee on pro rata and tolling railroad, to which was referred the Assembly bill entitled "An act in relation to the transportation of freight on the several railroads in this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sessions moved that said bill be made the special order for Wednesday morning next, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved to reconsider the vote taken this morning recommitting the bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Fiero moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to extend the time for the collection of taxes in the town of Catskill."

The President put the question whether the Senate would agree to said motion and it was determined in the affirmative.

Mr. Colvin moved that the bill entitled "An act to amend an act entitled 'An act to enable Charles James Murray, an infant alien, to take and hold real estate,'" be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that the bill entitled "An act to incorporate the Corn Exchange Warehousing company," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to regulate the sale of poisons."

"An act to amend an act entitled 'An act to enable Charles James Murray, an infant alien, to take and hold real estate.'"

"An act to incorporate the Corn Exchange Warehousing company."

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Spinola, from the same committee, reported in favor of the

passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Spinola, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act to authorize the inhabitants of the town of Hempstead, in the county of Queens, to elect five assessors for said town."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Hammond, the Senate adjourned.

MONDAY, MARCH 26, 1860—7 O'CLOCK P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Sprague.

The journal of Saturday, was read and approved.

The President announced the special order, being the annual message of His Excellency the Governor.

Mr. Ramsey moved that said special order be postponed until Monday next, at 7 P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act to provide for the manner of holding elections on the Cattaraugus and Allegany reservations, in this State," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill referred to the committee on Indian affairs, to report complete.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

STATE OF NEW YORK: }
EXECUTIVE DEPARTMENT, }

ALBANY, *March 26, 1860.*

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

March 19. "An act for the construction, regulation, maintenance and government of the Central park in the city of New York, and to provide additional means therefor."

19. "An act to repeal certain sections of the act entitled 'An act to enlarge the powers and define the duties of the Contracting Board.'"

- March 19. "An act for the relief of Luther Wright."
19. "An act for the relief of William O. Hubbard."
20. "An act to incorporate St. Stephen's College."
20. "An act concerning the rights and liabilities of husband and wife."
21. "An act to authorize repairs on a bridge over the State drain, in the town of Lysander."
21. "An act to provide for the widening of Atlantic avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue."
21. "An act to authorize the board of supervisors of the county of Richmond to pay certain claims against said county, and to provide means for the payment thereof."
22. "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Penn Yan, in the county of Yates,' passed March 29, 1833, passed March 23, 1852."
22. "An act in relation to the publication of legal notices in the counties of Fulton and Hamilton."
22. "An act to amend an act entitled 'An act relative to the toll gate on the Albion plankroad,' passed April 15, 1853."
22. "An act to amend an act entitled 'An act to consolidate districts number 6 and 15, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,' passed April 7, 1857."
22. "An act to legalize the incorporation of the village of Wilson, in the county of Niagara, and to grant to said incorporation additional powers to those given by an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereto."
22. "An act to authorize the repairing and maintaining a breakwater along the shore of Lake Erie, within the bounds of the city of Buffalo."
23. "An act in relation to the collection, payment and application of certain assessments in the city of Brooklyn."
23. "An act to amend an act amending the charter of the village of Seneca Falls."
23. "An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district."
23. "An act to prevent frauds in the sale of tickets upon steamboats, steamships and other vessels."

March 24. "An act to amend the act to incorporate the village of Dansville, passed June 4, 1853."

24. "An act to amend an act entitled 'An act to incorporate the Mutual savings bank of Troy,' passed April 15, 1857."

24. "An act to amend an act entitled 'An act to incorporate the Manufacturers' savings bank of Troy,' passed April 15, 1857."

24. "An act authorizing the town of Pelham, Westchester county, to raise a certain sum of money by tax."

24. "An act to incorporate the German Leiderkranz, of the city of New York."

24. "An act creating a joint commission, and appointing such commissioners to determine and fix the boundary line between the town of Wheatland, in the county of Monroe, and the town of Caledonia, in the county of Livingston."

24. "An act to authorize the inhabitants of the town of Hempstead, in the county of Queens, to elect five assessors for said town."

24. "An act to amend the charter of the College of Physicians and Surgeons, in the city of New York."

24. "An act to alter the lines between the towns of Copake and Ancram, in the county of Columbia."

24. "An act creating certain additional officers in the town of Southold, in the county of Suffolk."

24. "An act authorizing the town of Southfield, Richmond county, to purchase a site for a town house, and also to establish and maintain a jail or lock-up in said town."

24. "An act to alter the Commissioners' map of the city of Brooklyn."

24. "An act to provide for the appointment of deputy inspectors of gas meters, to reside in different parts of this State."

24. "An act to amend an act entitled 'An act in relation to the sale of bottles used by manufacturers of mineral waters and others,' passed May 7, 1847."

24. "An act for encouraging the improvement of the breed of domestic animals."

E. D. MORGAN.

The Assembly returned the bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein," with a message that they had consented to a committee of conference, and appointed on their part as such committee, Messrs. Flagler, Wiley, Collins, Finch and Fulton.

Mr. Lapham presented two petitions of citizens of Plattsburgh, for a pro rata freight law, which were read and referred to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was recommitteed the bill entitled "An act relative to the overseer of the poor of the city of Rochester," reported in favor of the passage of the same, with amendments.

On motion of Mr. Goss, and by unanimous consent, the rule was suspended, and said bill ordered engrossed for a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to enable the Rensselaer County Society to sell its real estate and change its name," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act declaring and confirming the location of the county buildings of the county of Schuyler, and providing for holding of courts therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond moved that said bill be made the special order for to-morrow evening, at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to regulate the sale of poisons."

"An act to amend an act entitled 'An act to enable Charles James Murray, an infant alien, to hold real estate.'"

"An act to incorporate the New York City Library Association."

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Spinola, from the select committee, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," with power to report complete, reported the same complete, with amendments.

Mr. Gardiner moved to lay said report on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	P. P. Murphy	Rotch	Truman	
Gardiner	Montgomery	Richmond			8

FOR THE NEGATIVE.

Abell	Grant	Ketcham	Ramsey	Spinola	
Colvin	Hillhouse	Lapham	Sessions	Warner	
Ferry					11

The President then put the question whether the Senate would

agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Richmond moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The President presented a communication from the district attorney of the city of New York, in relation to police and courts in said city, which was laid on the table and ordered printed.

(See Doc. No. 80.)

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill:

"An act relative to highways in the village of Sandy Hill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the concurrent resolution relating to the election of a Superintendent of Public Instruction, with a message that they had concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Ferry asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Utica to ascertain the floating debt of said city, to borrow the amount of such debt upon the corporate bonds of said city, and to levy and collect a tax for the redemption of such bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Ferry presented five remonstrances of citizens of Utica, against the passage of said bill, which were read and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act for the removal of insane convicts from the State Lunatic Asylum at Utica, to the State Lunatic Asylum for insane convicts at Auburn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act in relation to the Munro Collegiate Institute," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The bill entitled "An act to amend an act entitled 'An act to enable Charles James Murray, an infant alien, to take and hold real estate,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate, not voting in favor thereof, as follows.

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hillhouse	Munroe	Rotch
Bell	Goss	Ketcham	Ramsey	Truman
Colvin	Grant	Lapham	Richmond	Warner
Ferry	Hammond	Montgomery		

18

Mr. Hammond moved to reconsider the vote on said bill, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to regulate appeals in and from the Marine Court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to incorporate the New York City Library Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lapham	Ramsey	Sessions
Bell	Hammond	Montgomery	Richmond	Spinola
Colvin	Hillhouse	Munroe	Rotch	Warner
Goss	Ketcham	P. P. Murphy		

18

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to regulate the sale of poisons," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Hammond	Munroe	Rotch	Truman
Ferry	Hillhouse	P. P. Murphy	Spinola	Warner
Goss	Montgomery	Ramsey		

18

FOR THE NEGATIVE.

Abell	Bell	Grant	Lapham	Sessions
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5

Mr. Rotch moved to reconsider the vote on said bill, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to divide the county

of Allegany into two jury districts, and to provide for holding courts in and for said county alternately, in each of said districts," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

The President appointed as the select committee of eight, to whom are referred the bills on the general orders, Messrs. Ferry, Ketcham, Colvin, Connolly, Montgomery, Rotch, Goss and Prosser.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857."

"An act to determine the claim of James Hay to the real property and the proceeds thereof of John G. Leake, deceased."

"An act to amend section 64, title 4, chapter 6, of the second part of the Revised Statutes, relative to suits against heirs and devisees."

After some time spent thereon, the President resumed the chair, and Mr. Grant, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Grant, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Hammond, the Senate adjourned.

TUESDAY, MARCH 27, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Sprague.

The journal of yesterday was read and approved.

Mr. Manierre presented a memorial for the relief of the North Baptist church, in the city of New York, which was read and referred to the committee on charitable and religious societies.

Also, two remonstrances of citizens of New York, against special grants for city railroads, which were read and committed to the committee of the whole

Also, two petitions of citizens of New York, for a law reducing the fare on city railroads, which were read and committed to the committee of the whole.

Mr. Richmond presented a remonstrance of inhabitants of Sandy Hill, against enlarging the powers of the trustees of said village, which was read and referred to the committee on roads and bridges.

Mr. Ketcham presented a petition of milkmen, for reduction of milk tariff on Harlem railroad, which was read and referred to the committee on railroads.

Mr. J. M. Murphy presented two remonstrances of citizens of New

York, against erection of new city hall, which were read and committed to the committee of the whole.

Mr. Ferry presented three remonstrances of citizens of Utica, against funding the floating debt of said city, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Munroe, from the committee on State prisons, to which was referred the bill entitled "An act for the removal of insane convicts from the State Lunatic Asylum at Utica to the State Lunatic Asylum for insane convicts at Auburn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act relative to highways in the village of Sandy Hill," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act in relation to Munro Collegiate Institute," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act providing for the better collection of county taxes in the city of Buffalo, and for the sale by the treasurer of Erie county, of lands in said city for unpaid taxes,' passed April 7, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to provide for the assessment of the amount to be paid for Croton water at Sing Sing."

"An act explanatory of the laws of 1845 and 1847, relating to the laying out of highways."

"An act to amend the act entitled 'An act authorizing the commissioners of highways to build a bridge over the South branch of the Black river, in the village of Watertown.'"

"An act supplementary to an act entitled 'An act to provide for the supply of the city of Brooklyn with water, passed April 16, 1859,' and to establish a sewerage and water district."

"An act to amend section 64, title 4, chapter 6 of the second part of the Revised Statutes, relative to suits against heirs or devisees."

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend the act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

The bill entitled "An act to amend the act entitled 'An act to authorize the commissioners of highways to build a bridge over the south branch of the Black river, in the village of Watertown,' passed April 11, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	Munroe	Rotch
Blood	Goss	Lapham	J. M. Murphy	Spinola
Connolly	Grant	Manierre	P. P. Murphy	Truman
Ferry	Hammond	Montgomery	Richmond	Warner

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to provide for the supply of the city of Brooklyn with water,' passed April 16, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	P. P. Murphy	Spinola
Ferry	Hammond	Montgomery	Robertson	Truman
Fiero	Ketcham	Munroe	Sessions	Warner
Goss	Lapham			

17.

FOR THE NEGATIVE.

J. M. Murphy	Richmond	Rotch	8
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the town of Yonkers to raise money by loan to Macadamize the Albany Post road from Kingsbridge to Yonkers, and to plank the causeway leading from Kingsbridge to Spuyten Duyvil bridge," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Hammond	Munroe	Richmond	Spinola
Ferry	Ketcham	P. P. Murphy	Robertson	Truman
Fiero	Lapham	Ramsey	Rotch	Warner
Grant	Montgomery			

17

FOR THE NEGATIVE.

Abell	Goss	Hillhouse	J. M. Murphy	4
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the town of Westchester, in the county of Westchester, to build a dock at the end of a new road in Eastchester bay," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Robertson	
Bell	Goss	Ketcham	J. M. Murphy	Spinola	
Blood	Grant	Lapham	Ramsey	Truman	
Ferry	Hammond	Montgomery	Richmond	Warner	20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from Harlem river, and for a free bridge over the same,' passed April 16, 1858, as amended April 15, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Kelly	Munroe	Richmond	
Bell	Grant	Ketcham	J. M. Murphy	Robertson	
Blood	Hammond	Lapham	P. P. Murphy	Rotch	
Ferry	Hillhouse	Montgomery	Ramsey	Warner	
Fiero					21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Richmond	Sessions	
Colvin	Hammond	Montgomery	Robertson	Spinola	
Ferry	Hillhouse	P. P. Murphy	Rotch	Warner	
Fiero	Ketcham	Ramsey			18

FOR THE NEGATIVE.

Bell	Grant	Lawrence	J. M. Murphy	Truman	
Blood	Kelly	Munroe			8

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hammond moved to take from the table the motion to reconsider the vote on the bill entitled "An act to enable Charles James Murray, an infant alien, to take and hold real estate."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Lapham	P. P. Murphy	Rotch
Bell	Hammond	Lawrence	Ramsey	Spinola
Colvin	Hillhouse	Montgomery	Richmond	Truman
Fiero	Kelly	Munroe	Robertson	Warner
Goss	Ketcham	J. M. Murphy		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the overseer of the poor of the city of Rochester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	P. P. Murphy	Sessions
Bell	Hillhouse	Montgomery	Richmond	Spinola
Blood	Kelly	Munroe	Robertson	Truman
Colvin	Ketcham	J. M. Murphy	Rotch	Warner
Fiero	Lawrence			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act explanatory of the laws of 1845 and 1847, in relation to laying out of highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	P. P. Murphy	Rotch
Bell	Grant	Manierre	Ramsey	Sessions
Blood	Hillhouse	Montgomery	Richmond	Truman
Colvin	Kelly	Munroe	Robertson	Warner
Fiero	Ketcham	J. M. Murphy		

23

FOR THE NEGATIVE.

Lawrence 1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 64, title 4, chapter 6, of the second part of the Revised Statutes, relative to suits against heirs and devisees," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Hillhouse	Manierre	Sessions
Bell	Fiero	Kelly	Montgomery	Truman
Blood	Goss	Ketcham	Munroe	Warner
Colvin	Hammond	Lawrence	Ramsey	

19

FOR THE NEGATIVE.

Lapham 1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson moved that the Assembly bill entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hammond moved that the bill entitled "An act to make better provision for the punishment of frauds committed by trustees, bankers and other persons entrusted with property," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bell moved that the Assembly bill entitled "An act to provide for the payment of interest on certain canal drafts, certificates, and awards for damages," be recommitted to the committee on canals, to retain its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lawrence moved that the bill entitled "An act to amend an act entitled 'An act relative to disputed wills,' passed April 15, 1853," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that the bill entitled "An act to authorize the purchase of flour, meal, &c., for the purpose of inserting the 'Pearsall Patent Tube' therein, and the right to dispose of the same after said insertion," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester."

"An act to make better provision for the punishment of frauds committed by trustees, bankers and other persons entrusted with property."

"An act to amend an act entitled 'An act relative to disputed wills,' passed April 15, 1853."

After some time spent thereon, the President resumed the chair,

and Mr. Fiero, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Fiero, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Fiero, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Colvin moved that the bill entitled "An act to amend an act entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857," be recommitted to the committee on the internal affairs of towns and counties.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Manierre moved that the bill entitled "An act to provide for the election of fire bell ringers in the city of New York," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Kings County Dime Savings Institution," reported that they had made several amendments thereto, and amended the title so as to read as follows: "An act to incorporate the Kings County Nassau Savings Institution," and in favor of the passage of the same, as amended, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the purchase of flour meal, for the purpose of inserting the 'Pearsall Patent Tube' therein, and the right to dispose of the same after insertion."

"An act to provide for the election of fire bell ringers in the city of New York."

"An act to determine the claim of James Hay to the real property and the proceeds thereof of John G. Leake, deceased."

After some time spent thereon, the President resumed the chair, and Mr. Richmond, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Richmond, from the same committee, reported that they had made sundry amendments to the second named bill, and amended the title by inserting the word "appointment" in lieu of the word "election," and in favor of the passage of the same, as amended, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Richmond, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Connolly moved that the bill entitled "An act to incorporate the American Zoological and Botanical Society," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. P. P. Murphy moved that the bill entitled "An act authorizing the appraisal and payment of damages to Avery S. Delano, James Sleeper and Harvey D. Spaulding, caused by a break in the Erie canal in the town of Royalton, Niagara county," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Sessions moved that the Assembly bill entitled "An act to amend section 53 of the Code of Procedure, and to extend the jurisdiction of Justices' Courts, and to provide for proceedings therein," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the American Zoological and Botanical Society."

"An act authorizing the appraisal and payment of damages to Avery S. Delano, James Sleeper and Harvey D. Spaulding, caused by a break in the Erie canal in the town of Royalton, Niagara county."

Assembly bill, "An act to amend section 53 of the Code of Procedure, and to extend the jurisdiction of Justices' Courts, and to provide for proceedings therein."

After some time spent thereon, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Robertson, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin moved that the bill entitled "An act to determine the claim of James Hay to the real property and the proceeds thereof of John G. Leake, deceased," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole

and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly bill, "An act in relation to proceedings to compel the determination of claims to real property in certain cases."

"An act to determine the claim of James Hay to the real property and the proceeds thereof of John G. Leake, deceased."

Assembly bill, "An act for the appointment of commissioners to examine and report on the claim of John Gihon."

After some time spent thereon, the President resumed the chair, and Mr. Blood, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Blood, from the same committee, reported that they had gone through with the second named bill, and struck out the enacting clause.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Ferry	Ketcham	Montgomery	P. P. Murphy	
Blood	Grant	Lapham	Munroe	Richmond	
Connolly	Hammond	Lawrence	J. M. Murphy	Spinola	15

FOR THE NEGATIVE.

Colvin	Goss	Manierre	Rotch	Truman	
Gardiner	Hillhouse	Ramsey			8

Mr. Blood, from the same committee, reported that they had gone through with the last named bill, and struck out the enacting clause.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	P. P. Murphy	Rotch	
Colvin	Grant	Lawrence	Ramsey	Sessions	
Connolly	Hammond	Montgomery	Richmond	Truman	
Ferry	Hillhouse	J. M. Murphy			18

FOR THE NEGATIVE.

Fiero	Lapham	Manierre	Munroe		4
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Mr. Fiero moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bell, from the committee on canals, to which was recommitted the Assembly bill entitled "An act to provide for the interest on certain canal drafts, certificates, and awards for damages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Spinola moved that the Assembly bill entitled "An act to incorporate the Kings County Nassau Savings institution," be recommitted to the committee on banks, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. P. P. Murphy, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled as follows:

"An act to erect a new county from the third Assembly district of Steuben county, to be called 'Canisteo.'"

Ordered, That the Clerk return said bill to the Assembly.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to legalize the acts of the board of education of school district No. 7, in the town and county of Niagara, and to define the limits of said district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to allow the Union Turnpike company, in the county of Columbia, to abandon a portion of their road, and to regulate the rates of toll on the remaining portion," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the city of Auburn to make, upon the faith and credit of said city, bonds in the aggregate amount of one hundred thousand dollars, to aid in the construction of a railroad from Sodus bay, on Lake Ontario, to Homer, or some other point of intersection with the Syracuse and Binghamton railroad, and passing through the city of Auburn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the construction of a double railroad track on the Ravenswood, Hallett's Cove and Williamsburgh turnpike," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act authorizing the Brooklyn Central and the Brooklyn and Jamaica Railroad companies to consolidate and continue their roads," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on railroads.

"An act to amend an act to incorporate the Atlantic Dock company, passed May 6, 1840," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act for the relief of the holders of the mortgage bonds of the Black river and Utica Railroad company, and to enable them to or-

ganize a new railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said special order, being the Assembly bill entitled as follows:

"An act declaring and confirming the location of the county buildings of the county of Schuyler, and providing for the holding of courts therein."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported progress on said bill, and asked leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill, and that it be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ferry, from the select committee of eight, reported the following entitled bills as proper to be taken from the general orders and recommitted to the standing committees reporting them, with power to report complete, to wit:

"An act to amend an act entitled 'An act to incorporate an association for the relief of respectable, aged, indigent females in the city of New York,' passed March 10, 1815, and continued in force by the acts of April 20, 1830, and April 7, 1849."

"An act in relation to attempts to escape by convicts in State Prison."

"An act to amend an act entitled 'An act in relation to railroad corporations,' passed February 13, 1851."

"An act for the relief of Joseph Bayley, of the town of Virgil."

"An act to form a separate road district of all that part of the city of Albany lying west of Allen street, and to exempt the same from certain taxes."

"An act to amend the act entitled 'An act to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs in certain cases,' passed April 12, 1859."

"An act to amend the Revised Statutes in relation to cattle and other animals running at large."

"An act to erect the town of Benson out of a part of the town of Hope, in the county of Hamilton, and a part of the town of Mayfield, in the county of Fulton."

"An act in relation to foreign insurance companies."

"An act supplementary to an act entitled 'An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Brooklyn,' passed April 23, 1835."

"An act to incorporate a special board of trustees to hold and manage certain funds for the benefit of the First Methodist Episcopal church, John street, in the city of New York."

Assembly bill, "An act to revive and continue in force the charter of the village of Durhamville, in the county of Oneida."

Assembly bill, "An act to organize a fire department in the village of Delhi, Delaware county."

Assembly bill, "An act to authorize the sale and conveyance of a portion of lot number 27, in block 118, in the city of Oswego."

Assembly bill, "An act to authorize the stockholders of the Fort Plain and Cooperstown Plankroad company to change the day for holding the annual election of directors of said company."

Assembly bill, "An act to amend an act entitled 'An act to incorporate the Youatt Lyceum of New York,' passed April 16, 1858."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

By unanimous consent, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to empower the Morning Star Lodge of the Independent Order of Odd Fellows, to hold and convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Joseph Bailey of the town of Virgil," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the act entitled 'An act to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs in certain cases,' passed April 12, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Kings County Nassau Savings Institution," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Bell, from the committee on manufactures, to which was referred the bill entitled "An act to amend an act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Manierre presented a petition of property owners and residents of New York, for the erection of the city

hall in Madison square, which was read and committed to the committee of the whole.

By unanimous consent, Mr. Fiero presented a petition of citizens of same city, on same subject, which was read and committed to the committee of the whole.

By unanimous consent, Mr. J. M. Murphy presented a petition on same subject, which was read and committed to the committee of the whole.

By unanimous consent, Mr. Lawrence presented a petition on same subject, which was read and committed to the committee of the whole.

By unanimous consent, Mr. Robertson presented a petition on same subject, which was read and committed to the committee of the whole.

By unanimous consent, Mr. Lapham presented a petition on same subject, which was read and committed to the committee of the whole.

By unanimous consent, Mr. Ferry asked and obtained leave to introduce a bill entitled "An act to exempt the county of Oneida from the operation of the 17th section of the act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act relating to the Court of Common Pleas for the city and county of New York, to the number of judges, their election and term of office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the erection and division of towns and counties, to which was referred the bill entitled "An act to erect the town of Benson out of a part of the town of Hope, in the county of Hamilton, and a part of the town of Mayfield, in the county of Fulton," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on Indian affairs, to which was referred the bill entitled "An act to provide for the manner of holding elections on the Cattaraugus and Allegany Reservations in this State," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate a special board of trustees to hold and manage certain funds for the benefit of the First Methodist Episcopal church, John street, in the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate an association for the relief of respectable, aged, indigent females in the city of New York, passed March 10, 1815,' and continued in force by the acts of April 20, 1830, and April 7, 1849," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act supplementary to an act entitled 'An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Brooklyn,' passed April 23, 1835," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to form a separate road district of all that part of the city of Albany lying west of Allen street, and to exempt the same from certain taxes," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to cattle and other animals running at large," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Fiero moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The order of business of introduction of bills having been announced,

Mr. Truman moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative.

The order of business of third reading of bills having been announced,

Mr. Truman moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The order of business of motions and resolutions having been announced,

Mr. Truman moved to reconsider the vote on the bill entitled "An act providing for the assessment of the amount to be paid for Croton water at Sing Sing Prison," and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell
Connolly
GossHillhouse
LawrenceManierre
MontgomeryMunroe
P. P. MurphyProsser
Truman

11

FOR THE NEGATIVE.

Ferry
FieroHammond
LaphamRamsey
RobertsonRoteh
Sessions

Warner

9

Mr. Lawrence offered the following preamble and resolution :

Whereas, at a meeting of the board of ten governors of the alms house of the city of New York, held on Saturday, 24th instant, they have requested of this Legislature that "a committee to investigate the affairs of their department, with power to send for persons and papers," be appointed to inquire into the charges made against that body in the Tribune of the issue of March 23; therefore, be it

Resolved, That the presiding officer of this body appoint a committee of three, to sit during the recess of the Senate, for the purposes set forth in the above preamble.

Mr. Lapham moved to amend so as to empower the standing committee on poor laws, to act as such committee.

Mr. Truman moved to lay the resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Truman, the Senate adjourned.

WEDNESDAY, MARCH 28, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Sprague.

The journal of yesterday was read and approved.

The President announced the special order, being the Assembly bill entitled as follows :

"An act in relation to the transportation of freight on the several railroads in this State."

Mr. Hammond moved to postpone said special order for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hillhouse presented a remonstrance of citizens of Seneca Falls, against pro rata freight law, which was read and committed to the committee of the whole.

Mr. Ketcham presented two petitions of milkmen of Dutchess co., for reduction of milk tariff on New York and Harlem railroad, which were read and referred to the committee on railroads.

Mr. Warner presented a remonstrance of citizens of Oswego, against proposed amendments to their charter, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Munroe presented a remonstrance of Asa Eastwood, against payment of damages to citizens of Cicero, on account of raising the water in Oneida river, which was read and referred to the committee on claims.

Mr. Prosser presented a petition of citizens of Hamburg, Erie county, to make the office of supervisor in said county a salaried office, which was read and committed to the committee of the whole.

Messrs. Hammond, J. M. Murphy, Connolly, Robertson, Bell and Ramsey presented petitions of citizens of New York, for the erection of New city hall on Madison square, in said city, which were read and committed to the committee of the whole.

Mr. Colvin presented a petition of 280 members of Young Men's Association of Albany, for an amendment of their charter, which was read and referred to the committee on literature.

Mr. Montgomery presented a petition of Seneca Nation of Indians, for repeal of allotment laws of 1847 and 1849, which was read and referred to the committee on Indian affairs.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to allow the Union Turnpike company, in the county of Columbia, to abandon a portion of their road, and to regulate the rates of toll on the remaining portion," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the stockholders of the Fort Plain and Cooperstown Plankroad company to change the day for holding the annual election of directors of said company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Youatt Lyceum of New York,' passed April 16, 1858," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ketcham, from the committee on insurance companies, to which was referred the bill entitled "An act in relation to foreign insurance companies," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to empower the Morning Star Lodge of the Independent Order of Odd Fellows, to take and hold real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act for the relief of the holders of the mortgage bonds of the Black River and Utica Railroad company,

and to enable them to organize a new railroad company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on State prisons, to which was referred the bill entitled "An act in relation to the escape of convicts in State Prisons," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ferry, from the committee on public expenditures, to which was referred the resolution of the Senate, directing them to report what amounts have been allowed and expended for stationery for the Legislature and public offices, reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 75.)

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to legalize the acts of the board of education of school district No. 7, in the county of Niagara, and to define the limits of said district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the sale and conveyance of a portion of lot 27 in block 118, in the city of Oswego," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to revive and continue in force the charter of the village of Durhamville, in the county of Oneida," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to constitute the village of Argyle, in the county of Washington, a separate road district," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857," reported in favor of the passage of the same.

On motion of Mr. Munroe, and by unanimous consent, the rule was suspended, and said bill recommitted to the same committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide for the opening of East New York avenue, in the county of Kings," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill recommitted to the same committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to organize a fire department in the village of Delhi, Delaware county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate an association for the relief of respectable, aged, indigent females in the city of New York, passed March 10, 1815,' and continued in force by the acts of April 20, 1830, and April 7, 1849."

"An act to make better provision for the punishment of frauds committed by trustees, bankers and other persons entrusted with property."

"An act to provide for the appointment of fire bell ringers in the city of New York."

"An act to authorize the purchase of flour and meal, for the purpose of inserting the 'Pearsall Patent Tube' therein, and the right to dispose of the same after said insertion."

"An act to incorporate the American Zoological and Botanical Society."

"An act to amend the act entitled "An act to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs in certain cases," passed April 12, 1869."

"An act for the relief of Joseph Bayley, of the town of Virgil."

"An act to amend the Revised Statutes in relation to cattle and other animals running at large."

"An act to form a separate road district of all that part of the city of Albany lying west of Allen street, and to exempt the same from certain taxes."

By unanimous consent, Mr. Goss asked and obtained leave to introduce a bill entitled "An act authorizing the board of supervisors of the county of Monroe, to levy upon the town of Pittsford a tax to open and improve a road in the town of Perinton, in said county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Goss, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

By unanimous consent, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act to repeal certain sections of acts heretofore passed, relating to allotment of lands among the Seneca Indians on the Allegany and Cattaraugus reservations in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

The bill entitled "An act to amend an act entitled 'An act to in-

corporate an association for the relief of respectable, aged, indigent females in the city of New York, passed March 10, 1815,' and continued in force by the acts of April 20, 1830, and April 7, 1849," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Connelly	Grant	Lapham	J. M. Murphy	Rotch
Ferry	Hammond	Manierre	P. P. Murphy	Sessions
Fiero	Hillhouse	Montgomery	Prosser	Spinola
Goss	Ketcham	Munroe	Richmond	Warner

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the American Zoological and Botanical Society," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	McGraw	P. P. Murphy	Rotch
Connelly	Hillhouse	Montgomery	Prosser	Sessions
Fiero	Ketcham	Munroe	Richmond	Truman
Goss	Lapham	J. M. Murphy	Robertson	Warner

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to make better provision for the punishment of frauds committed by trustees, bankers and other persons entrusted with property," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Lapham	J. M. Murphy	Rotch
Blood	Hammond	Manierre	P. P. Murphy	Sessions
Connelly	Hillhouse	Montgomery	Prosser	Truman
Fiero	Ketcham	Munroe	Robertson	Warner

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Lapham	J. M. Murphy	Rotch
Blood	Hammond	Lawrence	P. P. Murphy	Sessions
Connolly	Hillhouse	Montgomery	Richmond	Spinola
Fiero	Ketcham	Munroe	Robertson	Truman
Goss				

21

FOR THE NEGATIVE.

Manierre	Prosser	Warner
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act supplementary to an act entitled 'An act authorizing the appointment of commissioners to lay out streets, avenues and squares, in the city of Brooklyn,' passed April 23, 1835," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	Prosser	Rotch
Blood	Hammond	Montgomery	Ramsey	Spinola
Connolly	Hillhouse	Munroe	Richmond	Truman
Fiero	Kelly	J. M. Murphy	Robertson	Warner
Goss				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the appointment of fire bell ringers in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	McGraw	Prosser	Rotch
Connolly	Hillhouse	Manierre	Ramsey	Sessions
Fiero	Kelly	Montgomery	Richmond	Truman
Goss	Ketcham	Munroe	Robertson	Warner
Grant	Lawrence	J. M. Murphy		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act declaring and confirming the location of the county buildings of the county of Schuyler, and providing for the holding of courts therein," having been announced,

Mr. Lawrence moved to recommit said bill, with instructions to amend by striking out all after the enacting clause, and inserting in lieu thereof the following:

Sec. 1. For the purpose of ascertaining the choice of the people of the county of Schuyler as to the location of the court house, jail and county clerk's office in said county, there shall be submitted to the electors of said county, on Tuesday, the first day of May next, the following questions, viz: "Shall the court house, jail and clerk's of-

rice be located at Havana, or shall the court house, jail and county clerk's office be located at Watkins?" And for the aforesaid purpose ballots shall be prepared, on which shall be written or printed the following words, viz: "County buildings at Havana," and other ballots shall be prepared on which shall be written "County buildings at Watkins."

§ 2. If a majority of the ballots at said election shall be those on which are written or printed the words "County buildings at Havana," then the county buildings of said Schuyler county shall be located at Havana. If a majority of the ballots cast at said election shall be those on which are written or printed the words "County buildings at Watkins," then the county buildings shall be located at Watkins.

§ 3. For the purpose of carrying out the provisions of the two preceding sections, the law applying to general elections, so far as the same may be applicable, shall apply to this act.

§ 4. This act shall take effect immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Grant	Kelly	Lawrence	Montgomery	Prosser	5
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FOR THE NEGATIVE.

Abell	Hammond	McGraw	Ramsey	Rotch	
Bell	Hillhouse	Manierre	Richmond	Sessions	
Ferry	Ketcham	Munroe	Robertson	Warner	
Fiero	Lapham				17

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	McGraw	P. P. Murphy	Robertson	
Bell	Hillhouse	Manierre	Prosser	Rotch	
Connolly	Kelly	Montgomery	Ramsey	Sessions	
Ferry	Ketcham	Munroe	Richmond	Warner	
Fiero	Lapham	J. M. Murphy			23

FOR THE NEGATIVE.

Lawrence	1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to authorize the purchase of flour and meal, for the purpose of inserting the 'Pearsall Patent Tube' therein, and the right to dispose of the same after said insertion," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Hillhouse	Montgomery	Prosser	Rotch
Connolly	Ketcham	Munroe	Richmond	Sessions
Goss	Manierre	P. P. Murphy	Robertson	Truman
Hammond				

16

FOR THE NEGATIVE.

Ferry	Grant	Lawrence	McGraw	Warner
Fiero				

6

Mr. Truman moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was again read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Munroe	Rotch
Blood	Hammond	Lapham	P. P. Murphy	Sessions
Connolly	Hillhouse	Manierre	Prosser	Truman
Fiero	Kelly	Montgomery	Robertson	

19

FOR THE NEGATIVE.

Ferry	Lawrence	McGraw	Richmond	Warner
Grant				

6

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Rotch moved to take from the table the motion to reconsider the vote on the bill entitled "An act to regulate the sale of poisons."

The President put the question whether the Senate would agree to said motion; and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Rotch moved to recommit said bill, with instructions to amend by striking out all in the 4th section down to and including the the word "viz." in the 4th line, and adding the remainder of said 4th section to section 3.

Mr. Bell moved to amend by inserting after the word "hemlock" line 6, sec. 3, the words "alcohol and its various dilutions or adulterations."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	McGraw	Montgomery	Richmond
Bell	Lapham	Manierre	Prosser	Warner

10

FOR THE NEGATIVE.

Blood	Hillhouse	Lawrence	P. P. Murphy	Rotch
Ferry	Kelly	Munroe	Robertson	Truman
Fiero	Ketcham			

12

The President then put the question whether the Senate would agree to said motion of Mr. Rotch, and it was decided in the affirmative.

The bill entitled "An act for the relief of Joseph Bayley, of the town of Virgil," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Fiero	Kelly	Manierre	Prosser	Rotch
Goss	Ketcham	Montgomery	Ramsey	Sessions
Grant	Lapham	Munroe	Richmond	Truman
Hammond	Lawrence	P. P. Murphy	Robertson	Warner
Hillhouse				

21

FOR THE NEGATIVE.

Blood

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the Revised Statutes in relation to cattle and other animals running at large," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Montgomery	Prosser	Rotch
Blood	Hillhouse	Munroe	Ramsey	Sessions
Connolly	Kelly	J. M. Murphy	Richmond	Truman
Fiero	Ketcham	P. P. Murphy	Robertson	Warner

20

FOR THE NEGATIVE.

Grant

Lawrence

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend section 53 of the Code of Procedure, and to extend the jurisdiction of justices' courts, and to provide for proceedings therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Lapham	Munroe	Richmond
Blood	Hammond	McGraw	J. M. Murphy	Rotch
Connolly	Hillhouse	Manierre	Prosser	Sessions
Fiero	Kelly	Montgomery	Ramsey	Truman
Goss				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in relation to proceedings to compel the determination of claims to real property in certain cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Munroe	Robertson
Bell	Goss	McGraw	Prosser	Rotch
Blood	Hammond	Manierre	Ramsey	Sessions
Colvin	Hillhouse	Montgomery	Richmond	Warner
Connolly	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to form a separate road district of all that part of the city of Albany lying west of Allen street, and to exempt the same from certain taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	Munroe	Ramsey
Blood	Goss	Lawrence	J. M. Murphy	Robertson
Colvin	Grant	McGraw	P. P. Murphy	Truman
Connolly	Hillhouse	Montgomery	Prosser	Warner
Fiero	Kelly			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs in certain cases,' passed April 12, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood	Fiero	Kelly	Munroe	Ramsey
Colvin	Gardiner	Ketcham	J. M. Murphy	Robertson
Connolly	Goss	Manierre	P. P. Murphy	Warner
Ferry	Hillhouse	Montgomery		

18

FOR THE NEGATIVE.

Grant	Lapham	Lawrence	Prosser	Truman
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5

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of half-past eleven having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act in relation to the transportation of freight on the several railroads in this State."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported progress and asked and obtained leave to sit again.

Mr. Goss moved to make said bill the special order for to-morrow morning at 11 o'clock.

Mr. Truman moved to amend so as to make it the special order for to-morrow evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative.

Mr. P. P. Murphy, from the committee on medical societies, to which was recommitted the bill entitled "An act to regulate the sale of poison," reported that they had made the amendments thereto as directed by the Senate, and in favor of the passage of the same, as amended, and said bill was ordered to a third reading.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the bill entitled "An act to amend the charter of the Water-town and Rome Railroad company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Spinola asked and obtained leave to introduce a bill entitled "An act to incorporate the Steuben Monument Association," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended and said bill referred to the committee on the internal affairs of towns and counties, with power to report complete.

On motion of Mr. Rotch, and by unanimous consent, the rule was suspended, and the bill entitled "An act to regulate the sale of poisons," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	J. M. Murphy	Rotch
Blood	Hammond	Lapham	P. P. Murphy	Truman
Colvin	Hillhouse	Montgomery	Ramsey	Warner
Connolly	Kelly	Munroe		

18

FOR THE NEGATIVE.

Bell	Fiero	McGraw	Prosser	Sessions	5
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein the doors were opened and legislative business resumed.

Mr. Lawrence moved to take from the table the following resolution:

Whereas, at a meeting of the board of ten governors of the alms house of the city of New York, held on Saturday, 24th instant, they have requested of this Legislature that "a committee to investigate the affairs of their department, with power to send for persons and papers," be appointed to inquire into the charges made against that body in the Tribune of the issue of March 23; therefore, be it

Resolved, That the presiding officer of this body appoint a commit-

tee of three, to sit during the recess of the Senate, for the purposes set forth in the above preamble.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Kelly	Manierre	Ramsay	
Colvin	Goss	Lawrence	J. M. Murphy	Spinola	
Connolly	Grant				12

FOR THE NEGATIVE.

Abell	Hammond	Montgomery	Richmond	Sessions	
Bell	Hillhouse	Munroe	Robertson	Truman	
Ferry	Ketcham	P. P. Murphy	Retch	Wagner	
Fiero	McGraw	Prosser			18

Mr. Spinola moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Grant	Lawrence	Ramsay	
Colvin	Goss	Kelly	J. M. Murphy	Spinola	
Connolly					11

FOR THE NEGATIVE.

Abell	Fiero	Lapham	Munroe	Sessions	
Bell	Hammond	McGraw	P. P. Murphy	Truman	
Ferry	Hillhouse	Montgomery	Robertson	Wagner	
					15

By unanimous consent, Mr. Munroe moved that the bill entitled "An act to authorize the construction of a railroad on Seventh avenue and other streets of the city of New York," together with the other bills relating to railroads in the city of New York, in their order, be made the special order for Friday evening.

Mr. Spinola moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Lapham moved that the bill entitled "An act to create a new ward in the city of Brooklyn," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to confirm and legalize the resolution of the common council of the city of New York, providing for the extension of the Pier south side of Pier No. 1, North river."

"An act to create a new ward in the city of Brooklyn."

Assembly bill, "An act to amend an act entitled 'An act allowing the continued use of copartnership names in certain cases,' passed April 17, 1854."

After some time spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Montgomery, from the same committee, reported that they

had gone through with the last named bill, and struck out the enacting clause, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Manierre moved that the Assembly bill entitled "An act to provide for the appointment of inspectors of election and district canvassers, in the city and county of New York," be recommitted to the committee on the judiciary, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly bill, "An act to amend an act entitled 'An act to prevent and punish prize fighting,' passed March 7, 1859."

"An act to provide for the payment of certain expenses of the commissioners appointed to drain the Great Bennewater swamp, in the county of Ulster."

"An act authorizing the appraisal and payment of damages to Avery S. Delano, James Sleeper and Harvey D. Spaulding, caused by a break in the Erie canal in the town of Royalton, Niagara county."

After some time spent thereon, the President resumed the chair, and Mr. Bell, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Bell, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Robertson moved that the bill entitled "An act to prevent encroachment and obstructions in the harbor of New York, and to authorize their removal," be recommitted to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Robertson moved that the bill entitled "An act to create a new ward in the city of Brooklyn," be referred to the first committee of the whole.

Mr. Gardiner moved to amend so as to refer said bill to Senators from Kings county, with power to report complete.

Pending the question on said motion,

On motion of Mr. Fiero, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

Mr. Ferry, from the select committee of eight, reported the following entitled bills as proper to be taken from the general orders and recommitted to the standing committees reporting them, with power to report complete, to wit:

"An act to enable the electors of the town of Johnstown, Fulton county, to vote by districts for town officers."

"An act to amend section 1, of title 6, of chapter 20 of the first part of the Revised Statutes."

"An act in relation to the bank deposit, and custodian of public moneys in New York."

"An act to incorporate the Oswegatchie Fair Ground company."

"An act for the release of certain lands of which John McCall died seized, to Rebecca McCall, his widow."

"An act for the protection of boarding house keepers."

Also, the following Assembly bills:

"An act to legalize the election of trustees in the village of Avon, in Livingston county."

"An act to alter the boundary line of the town of Fremont."

"An act giving to the purchaser or purchasers of the property and franchises of the Buffalo and Batavia Plankroad company all the corporate rights and franchises of said company on a sale by the receiver."

"An act to incorporate the Board of Foreign Missions of the Reformed Protestant Dutch church."

"An act relative to highways in the village of Sandy Hill."

"An act authorizing the sale of lands devised by Samuel Norsworthy, deceased"

"An act in relation to district attorneys."

"An act for the relief of the holders of the mortgage bonds of the Black River and Utica Railroad company, and to enable them to organize a new railroad company."

"An act to allow the Union Turnpike company, in the county of Columbia, to abandon a portion of their road, and to regulate the rates of toll on the remaining portion."

"An act to make the office of supervisor in Erie county, a salaried office, and to regulate the compensation of the clerk of the board of supervisors in said county."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 1, of title 6, of chapter 20 of part first of the Revised Statutes," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act for the release of certain lands of which John McCall died seized, to Rebecca McCall his widow," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of boarding-

house keepers," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to district attorneys," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act authorizing the sale of lands devised to Samuel Norsworthy, deceased," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to Plankroads and Turnpike roads,' passed April 9, 1851," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Lapham presented a petition of inhabitants of Clinton county, for pro rata freight law, which was read and referred to the committee of the whole.

Mr. Lapham, from the committee on poor laws, to which was referred the bill entitled "An act to provide for the codification of the laws relating to pauperism and bastardy," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to allow the Union Turnpike company, in the county of Columbia, to abandon a portion of their road, and to regulate the rates of toll on the remaining portion," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act relative to highways in the village of Sandy Hill," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act giving to the purchaser or purchasers of the property and franchises of the Buffalo and Batavia Plankroad company all the corporate rights and franchises of said company on a sale by the receiver," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Ferry, from the committee on banks, to which was referred the bill entitled "An act in relation to the bank deposit, and custodian of the public moneys in New York," with power to report com-

plete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to make two election districts in the town of Johnstown, in the county of Fulton," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to alter the boundary line of the town of Fremont," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to make the office of supervisor in Erie county, a salaried office, and to regulate the compensation of the clerk of the board of supervisors in said county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Truman, from the committee on claims, to which was referred the petition of Elias P. Gilman, for relief," reported in favor of the adoption of the following resolution: *Resolved*, that the prayer of the petitioner be denied; which report was agreed to.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported progress, and asked and obtained leave to sit again.

Mr. Robertson moved to make said bill the special order for Friday morning, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Franklin Savings bank, in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Ferry, from the committee on public expenditures, to which was referred the Assembly bill entitled "An act in relation to Legislative stationery," reported in favor of the passage of the same.

On motion of Mr. Bell, and by unanimous consent, said bill was recommitted to the same committee, to report complete.

(See Doc. No. 75.)

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill:

"An act to amend the charter of St. Stephen's College," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Grant	Lawrence	Munroe	Ramsey
Connolly	Hammond	McGraw	J. M. Murphy	Spinola
Ferry	Kelly	Manierre	P. P. Murphy	Truman
Fiero	Ketcham	Montgomery	Prosser	Warner
Goss	Lephram			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

By unanimous consent, Mr. Hammond moved to reconsider the vote adopting the resolution relating to evening sessions.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Hammond offered the following resolution:

Resolved, That after this week the Senate will hold evening sessions only on Mondays, Tuesdays, Thursdays and Fridays.

Mr. Warner moved to amend so as to include "Wednesdays."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

By unanimous consent, Mr. Ferry offered the following resolution:

Resolved, That hereafter no Senator shall be allowed to speak more than ten minutes at one time, nor more than twice on the same motion or resolution, either in committee of the whole or in Senate, without the consent of a majority of all the members of the Senate present.

Mr. Lawrence moved to amend by striking out the word "ten" and inserting in lieu thereof the word "fifteen."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to division fences," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act for the relief of the

holders of the mortgage bonds of the Black River and Utica Railroad company, and to enable them to organize a new railroad company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Warner, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate 'The Minstrel Fund Association,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Rotch, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Oswegatchie Fair Ground company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Hammond, the Senate adjourned.

THURSDAY, MARCH 29, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Howlett.

The journal of yesterday was read and approved.

Mr. Warner presented a petition of property owners and residents of the city of New York, in favor of building the city hall in Madison square, which was read and committed to the committee of the whole.

Also, two petitions of citizens of same city for reduction of fare on city railroads, which were read and committed to the committee of the whole.

Mr. Lawrence presented a remonstrance of citizens of Richmond county, against the erection of the proposed new town in said county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Gardiner presented a petition of R. J. Todd, of Brooklyn, for protection against dog stealers, which was read and referred to the committee on grievances.

Mr. Fiero presented a petition of milkmen of Orange county, for fixed rate of milk freight on the New York and Erie railroad, which was read and referred to the committee on railroads.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Board of Foreign Missions of the Reformed Protestant Dutch church," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ferry, from the committee public expenditures, to which was referred the Assembly bill entitled "An act in relation to Legislative stationery," with power to report complete, reported the same

complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Alson Adams," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of C. W. Allis and others," reported in favor of the passage of the same.

On motion of Mr. Munroe, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of E. Norman Leslie," reported in favor of the passage of the same.

On motion of Mr. Munroe, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

By unanimous consent, Mr. Truman offered the following resolution:

Resolved, That the committee on claims be discharged from the further consideration of the several petitions for the relief of M. M. Roberts, Jacob Fonda, Farwell Cook & Co., Henry Pardee and others, Seneca Boughton and others, Charles W. Woolston, Salmon Butts, and Matthew and Willis B. Sayre.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the laying of a double railroad track in the city of Brooklyn and county of Kings, and the town of Newtown, in the county of Queens," reported in favor of the passage of the same, with amendments.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill recommitted to the same committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to legalize the election of trustees of the village of Avon, in Livingston county," with power to report complete, reported the same complete; which report was agreed to, and said bill ordered to a third reading.

Mr. P. P. Murphy, from the committee on railroads, to which

was referred the bill entitled "An act to regulate the rate of milk freight on the New York and Erie railroad," reported that they had made sundry amendments thereto, also amended the title by adding thereto the words "and the New York and Harlem railroad," and in favor of the passage of the same, as amended, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Ferry moved that the bill entitled "An act to incorporate the Corn Exchange Warehousing company," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Manierre moved that the bill entitled "An act to amend the 75th section of the second article of title first, chapter first, and part second of the Revised Statutes," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act relative to lands devised by Augustus Van Cortlandt, deceased," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

"An act to incorporate the Buffalo Agricultural and Industrial Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to incorporate the Union Savings bank of Batavia," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. P. P. Murphy, and by unanimous consent, the rule was suspended, and said bill referred to the committee on banks, with power to report complete.

"An act to amend an act entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and the amendment thereto, passed July 18, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act authorizing the appraisal and payment of damages to Avery S. Delano, James Sleeper and Harvey D. Spaulding, caused by a break in the Erie canal in the town of Royalton, Niagara county."

"An act to provide for the payment of certain expenses of the

commissioners appointed to drain the Great Bernewater swamp, in the county of Ulster."

"An act to erect the town of Benson out of a part of the town of Hope, in the county of Hamilton, and a part of the town of Mayfield, in the county of Fulton."

"An act to amend the charter of the Watertown and Rome Railroad company."

"An act in relation to attempts to escape by convicts in State Prison."

"An act in relation to foreign insurance companies."

"An act to incorporate a special board of trustees to hold and manage certain funds for the benefit of the First Methodist Episcopal church, John street, in the city of New York."

"An act in relation to the bank deposit, and custodian of public moneys in New York."

"An act for the protection of boardinghouse keepers."

"An act to amend section 1, of title 6, of chapter 20, of the first part of the Revised Statutes."

"An act for the release of certain lands of which John McCall died seized, to Rebecca McCall, his widow."

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to increase the jurisdiction and fees of the civil justice of the peace for the city of Hudson," with the following amendments:

Strike out section 3, of the bill.

Line 4, sec. 4, engrossed bill, strike out the words "term of the service," and insert in lieu thereof the word "date."

Line 2, sec. 5, strike out the words "jurisdiction of."

Change the numbers of sections 4, 5 and 6, to numbers 3, 4 and 5, respectively.

Amend the title by striking therefrom the words "jurisdiction and fees."

Mr. Ketcham moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	P. P. Murphy	Rotch
Bell	Fiero	Lawrence	Ramsey	Sessions
Blood	Goss	McGraw	Richmond	Truman
Colvin	Hillhouse	Montgomery	Robertson	Warner
Connolly	Ketcham	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had non-concurred in the passage of the following entitled bills:

"An act for the relief of Nelson Phillips."

"An act for the relief of Josiah Blackwell."

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act to provide for taking testimony to be used in certain cases."

Ordered, That the Clerk deliver said bill to the Governor.

The bill entitled "An act to erect the town of Benson out of a part of the town of Hope, in the county of Hamilton, and a part of the town of Mayfield, in the county of Fulton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	Munroe	Robertson
Blood	Goss	Lawrence	P. P. Murphy	Sessions
Colvin	Hammond	McGraw	Prosser	Truman
Connolly	Hillhouse	Manierre	Ramsey	Warner
Ferry	Ketcham	Montgomery	Richmond	24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate a special board of trustees to hold and manage certain funds for the benefit of the First Methodist Episcopal church, John street, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Montgomery	Richmond
Bell	Fiero	Lapham	Munroe	Robertson
Blood	Goss	Lawrence	P. P. Murphy	Sessions
Colvin	Hammond	McGraw	Prosser	Warner
Connolly	Hillhouse	Manierre	Ramsey	24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to attempts to escape by convicts in State Prison," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Montgomery	Ramsey
Blood	Hammond	Lawrence	Munroe	Robertson
Colvin	Hillhouse	McGraw	P. P. Murphy	Sessions
Connolly	Ketcham	Manierre	Prosser	Spinola
Ferry				21

FOR THE NEGATIVE.

Fiero	Richmond	2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An

act to incorporate the Youatt Lyceum of New York,' passed April 16, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Munroe	Richmond
Blood	Grant	Lawrence	P. P. Murphy	Robertson
Colvin	Hillhouse	McGraw	Prosser	Rotch
Connolly	Ketcham	Montgomery	Ramsey	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the stockholders of the Fort Plain and Cooperstown Plankroad company to change the day for holding the annual election of directors of said company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	Munroe	Richmond
Bell	Fiero	Lawrence	P. P. Murphy	Robertson
Blood	Goss	McGraw	Prosser	Rotch
Colvin	Hillhouse	Manierre	Ramsey	Warner
Connolly	Ketcham	Montgomery		

23.

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend the charter of the Watertown and Rome Railroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Munroe	Richmond
Bell	Goss	McGraw	P. P. Murphy	Robertson
Blood	Hillhouse	Manierre	Prosser	Rotch
Colvin	Ketcham	Montgomery	Ramsey	Warner
Ferry				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the sale and conveyance of a portion of lot number 27, in block 118, in the city of Oswego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Montgomery	Ramsey
Bell	Fiero	Lapham	Munroe	Richmond
Blood	Goss	McGraw	J. M. Murphy	Rotch
Connolly	Hillhouse	Manierre	Prosser	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to revive and continue the charter of the village of Durhamville, in the county of Oneida," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	Munroe	Richmond
Bell	Fiero	McGraw	J. M. Murphy	Robertson
Blood	Goss	Manierre	Prosser	Rotch
Colvin	Hillhouse	Montgomery	Ramsey	Warner
Connolly	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to incorporate the Kings County Nassau Savings institution," having been announced,

By unanimous consent, Mr. Spinola moved to amend by striking out the word "Nassau" in the title of said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Hillhouse	Manierre	Richmond
Bell	Ferry	Ketcham	Montgomery	Robertson
Blood	Fiero	Lapham	Munroe	Sessions
Colvin	Hammond	McGraw	J. M. Murphy	Spinola

24

FOR THE NEGATIVE.

Warner

1

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act to provide for the payment of certain expenses of the commissioners appointed to drain the Great Benne-water swamp, in the county of Ulster," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate, not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Colvin	Fiero	Lapham	J. M. Murphy	Sessions	14
Connolly	Goss	McGraw	Prosser	Spinola	
Ferry	Ketcham	Manierre	Robertson		

FOR THE NEGATIVE.

Abell	Grant	Montgomery	Richmond	Truman	13
Bell	Hammond	Munroe	Rotch	Warner	
Blood	Hillhouse	P. P. Murphy			

Mr. Fiero moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Fiero	Lapham	Prosser	Rotch	14
Connolly	Goss	Manierre	Richmond	Spinola	
Ferry	Ketcham	J. M. Murphy	Robertson		

FOR THE NEGATIVE.

Abell	Blood	Hillhouse	Munroe	Warner	9
Bell	Grant	Montgomery	P. P. Murphy		

The bill entitled "An act to amend section 1, of title 6, of chapter 20 of the first part of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	J. M. Murphy	Robertson	22
Bell	Goss	Manierre	P. P. Murphy	Rotch	
Blood	Hammond	Montgomery	Prosser	Truman	
Colvin	Hillhouse	Munroe	Richmond	Warner	
Connolly	Ketcham				

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the release of certain lands of which John McCall died seized, to Rebecca McCall, his widow," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Rotch	27
Bell	Goss	Lawrence	P. P. Murphy	Sessions	
Blood	Grant	Manierre	Prosser	Spinola	
Colvin	Hammond	Montgomery	Richmond	Truman	
Connolly	Hillhouse	Munroe	Robertson	Warner	
Ferry	Ketcham				

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the appraisal and payment of damages to Avery S. Delano, James Sleeper and Harvey D. Spaulding, caused by a break in the Erie canal in the town of Royalton, Niagara county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Connolly	Hammond	Lawrence	Montgomery	Prosser
Ferry	Hillhouse	McGraw	J. M. Murphy	Spinola
Goss	Lapham	Manierre	P. P. Murphy	Truman

15

FOR THE NEGATIVE.

Abell	Fiero	Ketcham	Richmond	Rotch
Blood	Grant	Munroe	Robertson	Sessions
Colvin				

11

Mr. Lawrence moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to constitute the village of Argyle, in the county of Washington, a separate road district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Rotch
Blood	Goss	Lapham	J. M. Murphy	Spinola
Colvin	Grant	McGraw	Prosser	Truman
Connolly	Hammond	Manierre	Richmond	Warner
Ferry	Hillhouse	Montgomery	Robertson	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in relation to highways in the village of Sandy Hill," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Manierre	Prosser
Blood	Goss	Lapham	Montgomery	Richmond
Colvin	Hammond	Lawrence	Munroe	Rotch
Connolly	Hillhouse	McGraw	J. M. Murphy	Warner
Ferry	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in relation to district attorneys," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Montgomery	Richmond
Blood	Goss	Lapham	Munroe	Rotch
Colvin	Grant	Lawrence	J. M. Murphy	Truman
Connolly	Hillhouse	McGraw	Prosser	Warner
Ferry	Kelly	Manierre		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to prevent and punish prize fighting,' passed March 7, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Robertson
Blood	Goss	Lapham	J. M. Murphy	Rotch
Colvin	Grant	McGraw	P. P. Murphy	Truman
Connolly	Hammond	Manierre	Prosser	Warner
Ferry	Hillhouse	Montgomery	Richmond	

24

FOR THE NEGATIVE.

Lawrence				
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1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act for the protection of boarding house keepers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Robertson
Blood	Goss	Lapham	J. M. Murphy	Rotch
Colvin	Grant	McGraw	Prosser	Truman
Connolly	Hammond	Manierre	Richmond	Warner
Ferry	Hillhouse	Montgomery		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the sale of lands devised by Samuel Norsworthy, deceased," was read a third time

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Manierre	J. M. Murphy
Blood	Goss	Lapham	Montgomery	Prosser
Colvin	Grant	McGraw	Munroe	Warner
Connolly	Hillhouse			

17

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to allow the Union Turnpike company, in the county of Columbia, to abandon a portion of their road, and to regulate the rates of toll on the remaining portion," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Richmond
Blood	Grant	McGraw	J. M. Murphy	Rotch
Colvin	Hillhouse	Manierre	Prosser	Truman
Connolly	Ketcham	Montgomery	Ramsey	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to organize a fire department in the village of Delhi, Delaware county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Ramsey
Blood	Grant	McGraw	J. M. Murphy	Richmond
Colvin	Hillhouse	Manierre	P. P. Murphy	Rotch
Ferry	Ketcham	Montgomery	Prosser	Warner

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to alter the boundary line of the town of Fremont," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Montgomery	Ramsey
Colvin	Goss	Lawrence	Munroe	Richmond
Connolly	Hillhouse	McGraw	J. M. Murphy	Rotch
Ferry	Ketcham	Manierre	Prosser	Warner

20

FOR THE NEGATIVE.

Grant

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act giving to the purchaser or purchasers of the property and franchises of the Buffalo and Batavia Plankroad company all the corporate rights and franchises of said company on a sale by the receiver," was read a third time.

The President put the question whether the Senate would agree to

the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Montgomery	Ramsey
Blood	Fiero	Ketcham	Munroe	Richmond
Colvin	Goss	McGraw	J. M. Murphy	Rotch
Connolly	Grant	Manierre	Prosser	Warner

29

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled, "An act to make the office of supervisor in Erie county, a salaried office, and to regulate the compensation of the clerk of the board of supervisors in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Montgomery	Richmond
Blood	Goss	Lapham	Munroe	Robertson
Colvin	Hammond	McGraw	J. M. Murphy	Rotch
Connolly	Hillhouse	Manierre	Prosser	Warner
Ferry				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of the holders of the mortgage bonds of the Black River and Utica Railroad company, and to enable them to organize a new railroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Montgomery	Richmond
Bell	Goss	Lapham	Munroe	Robertson
Colvin	Grant	Lawrence	J. M. Murphy	Rotch
Connolly	Hammond	McGraw	Prosser	Warner
Ferry	Hillhouse	Manierre		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Munroe moved to take from the table the following resolution :

Resolved, (if the Assembly concur,) That the Clerk of each House furnish each member, officer and reporter of their respective Houses, with one set of the Colonial History of the State of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond moved to refer said resolution to the committee on

public printing, with instructions to inquire and report as to the cost of furnishing said work.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Warner moved that the Assembly bill entitled "An act to amend section 24, of title 3, chapter 13 of part one of the Revised Statutes," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Connolly, offered the following resolution :

Resolved, That the Clerk furnish each member, officer and reporter of the Senate, with six copies of the official diagrams.

Mr. Lawrence moved to amend by striking out "six" and inserting "twelve."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Fiero moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act for the relief of John Gihon."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to incorporate the Corn Exchange Warehousing company."

"An act to amend the 75th section of the 2d article of title first, chapter first, and part 2d of the Revised Statutes."

• "An act to alter the map or plan of the city of New York."

After some time spent thereon, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Munroe, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Manierre moved that the bill entitled "An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858."

"An act to establish a nautical school in the harbor of New York."

"An act for the more effectual cultivation of the arts and sciences, and for the promotion and encouragement of the same."

After some time spent thereon, the President resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered engrossed for a third reading.

Mr. Goss, from the same committee, reported that they had gone through with the last named bill, and struck out the enacting clause.

Mr. Spinola moved to lay the report of the committee on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, and said bill was rejected, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Manierre	P. P. Murphy	Truman	
Bell	Ketcham	Montgomery	Rotch	Warner	
Hammond	Lapham				12

FOR THE NEGATIVE.

Blood	Fiero	Grant	Robertson	Spinola	
Connolly	Gardiner	Lawrence			8

Mr. Robertson, from the committee on commerce and navigation, to which was recommitted the bill entitled "An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the Atlantic Dock company, passed May 6, 1840," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act to incorporate the Monticello Methodist Parsonage Association," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fiero, and by unanimous consent, the rule was suspended, and said bill referred to the committee on charitable and religious societies, to report complete.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to lands devised by Augustus Van Cortland, deceased," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Hammond, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

Mr. Ferry, from the select committee of eight, reported the following entitled bills as proper to be taken from the general orders and recommitted to the standing committees reporting them, with power to report complete, to wit:

"An act to prevent encroachment and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners' lines."

"An act to amend chapter 312 of the laws of 1859."

"An act to abolish the board of commissioners of excise of the county of Chautauqua, and confer their powers and duties upon the justices of the peace in the several towns in said county, and the overseers of the poor therein."

"An act to punish the fraudulent sale or concealment of property held under a chattel mortgage."

"An act to amend the Revised Statutes in relation to the penalties for violation of the election laws."

"An act to confirm and legalize certain acts of the common council of the city of New York."

"An act to legalize certain proceedings of the mayor, aldermen and commonalty of the city of New York."

"An act in relation to the Munro Collegiate Institute."

"An act to regulate the rate of milk freight on the New York and Erie railroad, and the New York and Harlem railroad."

"An act to empower the Morning Star Lodge, of the Independent Order of Odd Fellows, to hold and convey real estate."

Also, the following Assembly bills:

"An act to legalize the acts of the board of education of school district No. 7, in the town and county of Niagara, and to define the limits of said district."

"An act to amend an act entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857."

"An act to amend section 7, of title 1, chapter 7, part two of the Revised Statutes."

"An act confirming the rights of the assignees of Philip A. Strong, to the ferry across Chautauqua lake, and to authorize the county court to fix the rates of toll."

"An act to enable the Rensselaer County Agricultural Society to sell its real estate, and change its name."

"An act to incorporate the Franklin Savings bank, in the city of New York."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incor-

porate the Steuben Monument Association," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to abolish the board of commissioners of excise of the county of Chautauqua, and confer their powers and duties upon the justices of the peace in the several towns in said county, and the overseers of the poor therein," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act confirming the rights of the assignees of Philip A. Strong to the ferry across Chautauqua lake, and to authorize the county court to fix the rates of toll," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the bill entitled "An act to regulate the rate of milk freight on the New York and Erie railroad, and on the New York and Harlem railroad," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act in relation to the Munro Collegiate Institute," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to legalize the acts of the board of education of school district No. 7, in the town and county of Niagara, and to define the limits of said district," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of E. Norman Leslie," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of C. W. Allis," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to empower the Morning Star Lodge, of the Independent Order of Odd Fellows, to hold and convey real estate," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to enable James Doig to take, hold and convey real estate, and to confirm the title of real estate in said Doig," reported in favor of the passage of the same.

On motion of Mr. Warner, and by unanimous consent, the rule was suspended, and said bill recommitted to the same committee, to report complete.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the State in lands acquired by escheat to Joseph Prair, otherwise called Joseph Prieur," reported in favor of the passage of the same.

On motion of Mr. Warner, and by unanimous consent, the rule was suspended, and said bill recommitted to the same committee, to report complete.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize certain proceedings of the mayor, aldermen and commonalty of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to prevent the fraudulent sale or concealment of property held under a chattel mortgage," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 312 of the laws of 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the select committee consisting of the Senators from New York, to which was referred the bill entitled "An act to provide for a Police Court in the city of New York," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act in relation to police and courts in the city of New York," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ketcham, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend an

act entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Franklin Savings bank, in the city of New York," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond moved to reconsider the vote making special order of the bill entitled "An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857," for to-morrow morning, immoniatly after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood Connolly	Gardiner Hammond	Hillhouse Lapham	Lawrence	Spinola	8
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FOR THE NEGATIVE.

Bell Colvin Ferry	Goss Ketcham	Montgomery Munroe	Prosser Ramsey	Rotch Warner	11
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The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act in relation to the transportation of freight on the several railroads in this State."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported progress, and asked leave to sit again.

Mr. Truman moved that the committee of the whole be discharged from the further consideration of said bill, and that it be ordered to a third reading, and that the final vote be taken to-morrow, at 12 o'clock.

Mr. McGraw moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative.

Ordered, That said bill be read a third time.

On motion of Mr. Fiero, the Senate adjourned.

FRIDAY, MARCH 30, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Howlett.

The journal of yesterday was read and approved.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to alter the map or plan of the city of New York."

"An act to amend chapter 312 of the laws of 1859."

"An act authorizing the board of supervisors of the county of Monroe to levy upon the town of Pittsford a tax to open and improve a road in the town of Perrinton, in said county."

"An act to empower the Morning Star Lodge, of the Independent Order of Odd Fellows, to hold and convey real estate."

"An act to regulate the rate of milk freight on the New York and Erie railroad, and the New York and Harlem railroad."

"An act to provide for the manner of holding elections on the Cattaraugus and Allegany reservations, in this State."

"An act to punish the fraudulent sale or concealment of property held under a chattel mortgage."

"An act to amend the 75th section of the 2d article of title first, chapter first, and part second of the Revised Statutes."

"An act to enable the electors of the town of Johnstown, Fulton county, to vote by districts for town officers."

"An act in relation to the Munro Collegiate Institute."

The Assembly bill entitled "An act to incorporate the board of Foreign Missions of the Reformed Protestant Dutch church," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Ramsey	Rotch
Bell	Hammond	P. P. Murphy	Richmond	Sessions
Connolly	Ketcham	Prosser	Robertson	Warner
Fiero	Manierre			

17

FOR THE NEGATIVE.

J. M. Murphy Truman

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The bill entitled "An act in relation to the Munro Collegiate Institute," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	Ramsey	Sessions
Bell	Hammond	Montgomery	Richmond	Truman
Connolly	Ketcham	Munroe	Robertson	Warner
Fiero	Lawrence	Prosser	Rotch	

19

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the election of trustees in the village of Avon, in Livingston county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	Prosser	Rotch
Bell	Hammond	Manierre	Ramsey	Sessions
Connolly	Hillhouse	Montgomery	Richmond	Truman
Ferry	Kelly	J. M. Murphy	Robertson	Warner
Fiero	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same without amendment.

The bill entitled "An act to punish the fraudulent sale or concealment of property held under a chattel mortgage," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Prosser	Rotch
Bell	Goss	Lawrence	Ramsey	Sessions
Connolly	Hammond	Montgomery	Richmond	Truman
Ferry	Kelly	J. M. Murphy	Robertson	Warner

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the board of supervisors of the county of Monroe to levy upon the town of Pittsford a tax to open and improve a road in the town of Perrinton, in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	P. P. Murphy	Robertson
Bell	Hammond	Lawrence	Prosser	Rotch
Connolly	Hillhouse	Manierre	Ramsey	Truman
Ferry	Kelly	Montgomery	Richmond	Warner
Fiero	Ketcham	J. M. Murphy		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to empower the Morning Star Lodge, of the Independent Order of Odd Fellows, to hold and convey real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Kelly	Montgomery	Prosser	Rotch
Connolly	Ketcham	J. M. Murphy	Richmond	Truman
Fiero	Lawrence	P. P. Murphy	Robertson	Warner
Hillhouse	Manierre			

17

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the manner of holding elections on the Cattaraugus and Allegany reservations, in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Manierre	Richmond
Bell	Goss	Ketcham	Montgomery	Robertson
Connolly	Hammond	Lapham	Munroe	Rotch
Ferry	Hillhouse	Lawrence	P. P. Murphy	Sessions

20

FOR THE NEGATIVE.

J. M. Murphy Spinola

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act confirming the rights of the assignees of Philip A. Strong, to the ferry across Chautauqua lake, and to authorize the county court to fix the rates of toll," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	J. M. Murphy	Robertson
Bell	Hammond	Lawrence	P. P. Murphy	Rotch
Connolly	Hillhouse	Manierre	Ramsey	Sessions
Ferry	Kelly	Montgomery	Richmond	Warner
Fiero	Ketcham	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend the 75th section of the second article of title first, chapter first, and part second of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a

majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Kelly	Manierre	Robertson	Sessions	
Bell	Ketcham	Montgomery	Rotch	Warner	
Goss	Lapham				12

FOR THE NEGATIVE.

Connolly	Fiero	J. M. Murphy			3
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Mr. Manierre moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was again read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Montgomery	Rotch	
Bell	Hammond	Lapham	Munroe	Sessions	
Connolly	Hillhouse	Lawrence	J. M. Murphy	Spinola	
Fiero	Kelly	Manierre	Richmond	Warner	
Gardiner					21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lapham moved to take from the table the motion to reconsider the vote on the bill entitled "An act providing for the assessment of the amount to be paid for Oroton water at Sing Sing Prison."

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the motion to reconsider the vote on said bill, and it was decided in the negative.

Ordered, That the Clerk transmit said bill to the Assembly.

The Assembly bill entitled "An act to amend an act entitled 'An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Richmond	
Bell	Hammond	Lawrence	J. M. Murphy	Robertson	
Connolly	Hillhouse	Manierre	P. P. Murphy	Spinola	
Ferry	Kelly	Montgomery	Prosser	Warner	
Fiero	Ketcham				22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act in relation to Legislative stationery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lawrence	J. M. Murphy	Robertson
Connolly	Goss	Manierre	P. P. Murphy	Spinola
Ferry	Kelly	Montgomery	Prosser	Warner
Fiero	Ketcham	Munroe		

18

FOR THE NEGATIVE.

Abell	Hillhouse	Richmond		3
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

The bill entitled "An act to incorporate the Corn Exchange Warehousing company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lawrence	J. M. Murphy	Spinola
Bell	Hillhouse	Manierre	Prosser	Truman
Connolly	Kelly	Montgomery	Robertson	Warner
Ferry	Ketcham	Munroe		

18

FOR THE NEGATIVE.

Goss	Ramsey			2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to regulate the rate of milk freight on the New York and Erie railroad, and the New York and Harlem railroad," having been announced,

Mr. Lawrence moved to recommit said bill, with instructions to strike out the enacting clause.

Mr. Warner moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Lawrence	J. M. Murphy	Prosser	Truman
Goss	Manierre	P. P. Murphy	Spinola	Warner
Kelly	Munroe			

12

FOR THE NEGATIVE.

Abell	Ferry	Hillhouse	Montgomery	Robertson
Blood	Fiero	Ketcham	Ramsey	Retch
Connolly	Hammond	Lapham	Richmond	Sessions

15

The President then put the question whether the Senate would agree to said motion of Mr. Lawrence, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Lawrence	Manierre	Prosser	Truman
Kelly	McGraw	J. M. Murphy	Spinola	Warner

10

FOR THE NEGATIVE.

Abell	Fiero	Ketcham	Munroe	Robertson
Blood	Goss	Lapham	Ramsey	Rotch
Connolly	Hammond	Montgomery	Richmond	Sessions
Ferry	Hillhouse			

17

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Ramsey	Rotch
Connolly	Hammond	Lapham	Richmond	Sessions
Ferry	Hillhouse	Montgomery	Robertson	Warner
Fiero	Kelly	P. P. Murphy		

18

FOR THE NEGATIVE.

Lawrence	Munroe	J. M. Murphy	Prosser	Truman
Manierre				

6

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to alter the map or plan of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Lawrence	J. M. Murphy	Sessions
Connolly	Kelly	Manierre	P. P. Murphy	Spinola
Ferry	Ketcham	Montgomery	Prosser	Truman
Fiero	Lapham	Munroe	Rotch	Warner
Hammond				

21

FOR THE NEGATIVE.

Bell				
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1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 312 of the laws of 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	P. P. Murphy	Sessions
Bell	Fiero	Ketcham	Prosser	Truman
Blood	Gardiner	Munroe	Rotch	Warner
Connolly	Hammond			

17

FOR THE NEGATIVE.

Goss	Lawrence	J. M. Murphy	Robertson	
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Spinola moved that his name be recorded in the negative, on the Assembly bill entitled "An act de-

claring and confirming the location of the county buildings of the county of Schuylcr, and providing for the holding of courts therein."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Blood moved that his name be recorded in the negative on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Goss moved that his name be recorded in the negative on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to enable the electors of the town of Johnstown, Fulton county, to vote by districts for town officers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Montgomery	Rotch
Bell	Hammond	Lapham	Munroe	Sessions
Blood	Hillhouse	McGraw	J. M. Murphy	Spinola
Connolly	Kelly	Manierre	Ramsey	Warner
Ferry				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 12 o'clock having arrived, the President announced the special order, being the third reading of the Assembly bill entitled as follows:

"An act in relation to the transportation of freight on the several railroads in this State."

Mr. McGraw moved to recommit said bill, with instructions to strike out all after the enacting clause, and insert the following as a substitute, and report the bill back forthwith complete, to wit:

Sec. 1. The Governor shall nominate, and with the advice and consent of the Senate, shall appoint three citizens of this State, who shall form a board of commissioners, to perform the duties imposed by this act, who shall hold their offices for one year. Any vacancy that shall occur in said board, shall be filled by the Governor.

§ 2. Such commissioners shall meet and confer with commissioners who may be appointed for the purpose by other States, to devise and digest the project of a law to establish and secure uniform and equitable rates of compensation, to be charged by the railroad companies of this State in connection with the railways of other States for the transportation of property over such roads, and report their proceedings, together with the plan which shall have been agreed upon by them, to the next Legislature.

§ 3. The said commissioners shall receive the sum of six dollars per day for each day actually employed in their duties, and their traveling expenses while absent from home on the business of the

commission, to be paid by the Treasurer on the warrant of the Comptroller, upon due vouchers. One half of the amount that shall be paid under the provisions of this act shall be repaid into the treasury by the several railroad companies of this State which transport freight on their roads, each of said railroad companies a share thereof in proportion to the length of their roads respectively. At the end of the year the Comptroller shall certify the amount, on the basis aforesaid, to be paid by each of said railroad companies, and draw drafts on the several companies, or upon the receiver of any that may be in charge of a receiver, for the amount payable by or on account of such companies respectively, and such companies and receivers shall pay such drafts on presentation.

§ 4. The Governor shall transmit a copy of this act to the Governors of the several States, with a request that the subject be brought to the attention of the Legislatures of the several States.

§ 5. This act shall take effect immediately.

Change the title so as to read as follows:

"An act to provide for the appointment of commissioners to equalize the rates of freights on the railroads of this State, in connection with the railroads of other States."

The President put the question whether the Senate would agree to said motion to recommit, with instructions, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	McGraw	Robertson
Blood	Gardiner	Lapham	Montgomery	Rotch
Colvin	Hammond	Lawrence	J. M. Murphy	Spinola
Connolly	Kelly			

17

FOR THE NEGATIVE.

Bell	Hillhouse	P. P. Murphy	Richmond	Truman
Ferry	Manierre	Prosser	Sessions	Warner
Goss	Munroe	Ramsey		

18

When the name of Mr. Colvin was called, that gentleman moved that he be excused from voting.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Sessions, from the select committee to which was recommitted the Assembly bill entitled "An act in relation to the transportation of freights on the several railroads of this State," with power to report complete, reported the same complete, amended as directed by the Senate, and in favor of the passage of the same.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	McGraw	Robertson
Blood	Gardiner	Lapham	Montgomery	Rotch
Colvin	Hammond	Lawrence	J. M. Murphy	Spinola
Connolly	Kelly			

17

FOR THE NEGATIVE.

Bell	Hillhouse	P. P. Murphy	Richmond	Truman
Ferry	Manierre	Prosser	Sessions	Warner
Goss	Munroe	Ramsey		

18

Ordered, That said bill be read a third time.

Mr. Goss moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Munroe	Prosser	Warner	
Bell	Montgomery	P. P. Murphy	Ramsey		9

FOR THE NEGATIVE.

Blod	Gardiner	Ketcham	Manierre	Seasious	
Colvin	Hammond	Lapham	J. M. Murphy	Spinola	
Connolly	Hillhouse	Lawrence	Robertson	Truman	
Fiero	Kelly	McGraw	Rotch		19

The Clerk was proceeding to the third reading of the said bill entitled "An act in relation to the transportation of freight on the several railroads of this State," as amended, when

Mr. Truman moved to recommit, with instructions to strike out all after the enacting clause, and insert the following substitute:

Every railroad corporation in this State, which is, or shall be engaged in the carriage of property, where steam shall be used for such transportation, is hereby required to make up a full and complete arrangement and classification of all and singular the property usually carried by it, whether by weight, carload, barrel, package or other known quantity, and shall designate the several grades and orders of such arrangement and classification as class first, class second, third, fourth, &c.; and no article or class of property shall appear in more than one classification; such arrangement and classification shall contain a full and complete specification of the rates and prices, respectively, at which such railroad corporation will take, receive, load, transport, unload, handle and deliver each article or class of property, upon the whole or a portion of its lines of railroad; which rates and prices shall be so conditioned and adjusted, that in no case, for the transportation of similar quantities of the same articles or class of property, shall a greater sum be charged or collected for the same distance, or a greater sum be charged or collected for a shorter than a longer distance.

Every railroad corporation shall, at all times, take, receive, load, transport, unload, handle and deliver all freight and all property at the rates mentioned in the aforesaid arrangement, classification, and specification, and as near as may be in the order of priority of tender or receipt; and no railroad corporation shall, directly or indirectly, or by or through any officer or servant thereof, receive either a greater or less consideration or sum than that which shall appear to be due by computation from the arrangement, classification, and specification; or pay back any portion of the sums so received; or make any rebate or reduction therefrom; nor shall such railroad corporation permit any other person or persons, corporation or corporations, to carry, transport or forward, over the whole or any part of its railroad, any property for less rates or prices than the said railroad corporation would be entitled to receive for the performance of such service.

A plainly printed or written copy of the arrangement, classification and specification of prices for transportation, receiving, loading, unloading, handling, and delivering, which shall be in force at the time, shall be signed by the president, vice-president, general freight agent or superintendent of such railroad, and shall, at all times, be kept posted in a conspicuous place in each and every freight house, station house and depot of such railroad corporation, or used by it in connection with its railroad, which copies respectively shall, at all times during business hours, be subject to inspection without hindrance. A copy of such arrangement, classification, and specification, which shall be duly acknowledged before, and certified by some officer authorized to take the acknowledgment of deeds; shall be filed with the auditor in the canal department at Albany, within three days after the adoption, or the making of the same, or the making any amendment, change or modification of the same, which copy, or a transcript thereof, and of the certificate of the acknowledgment thereof, certified with the time of the filing thereof, by the said auditor, shall be legal evidence in any court, civil or criminal, in this state, of the said arrangement, classification, specification, and the contents thereof; that the same was made by such railroad corporation, and of the filing, and the time of filing thereof. Such arrangement, classification, and specification, respectively, shall, in no case, be changed at any alteration of any such arrangement, classification, or specification, more than fifty per cent from the lowest price aforesaid, as to said article or class of articles respectively, in that current year.

When any item or article of property shall be transported upon any such railroad, and the same shall not be mentioned in the arrangement, classification and specification herein required to be made by the railroad upon which the same is transported, the same shall be transported, at the lowest rate per ton per mile, as aforesaid, mentioned in said arrangement, classification and specification aforesaid, but nothing in this clause shall prohibit such railroad from properly classifying any unmentioned article or class of property which may be presented for transportation, if so classified before transportation.

Each and every director, officer, agent or servant, of every railroad corporation who shall be guilty of a violation of any part of this act, or of aiding or abetting therein, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars, nor more than one thousand dollars, or imprisonment, as now provided by law, or both.

Fresh meats and fresh fish, transported between the months of May and November inclusive, ores, mineral coal, milk, garden vegetables and fruit, shall be exempted from the provisions of this act.

This act shall take effect on the first day of April, one thousand eight hundred and sixty.

All acts and parts of acts inconsistent with this act or any part thereof, are, to that extent, hereby repealed.

The President put the question whether the Senate would agree to said motion to recommit, with instructions, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell Ferry	Goss Munroe	P. P. Murphy Prosser	Ramsey Sessions	Truman Warner	10
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FOR THE NEGATIVE.

Abell	Fiero	Kelly	Manierre	Robertson	
Blood	Gardiner	Ketcham	Montgomery	Rotch	
Colvin	Hammond	Lawrence	J. M. Murphy	Spinola	
Connolly	Hillhouse	McGraw			18

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	McGraw	Robertson	
Blood	Gardiner	Ketcham	Montgomery	Rotch	
Connolly	Hammond	Lapham	J. M. Murphy	Spinola	
Ferry	Hillhouse	Lawrence	Prosser	Truman	20

FOR THE NEGATIVE.

Bell	Goss	Munroe	Ramsey	Sessions	
Colvin	Manierre	P. P. Murphy	Richmond	Warner	10

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The President announced the special order, being the bill entitled as follows:

"An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857."

Mr. Spinola moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Robertson moved that said special order be postponed until this evening, at 7 o'clock, and that the Senate hold a session for that purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lawrence, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide for the opening of East New York avenue, in the county of Kings," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to prevent encroachment and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners' lines," with

power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Colvin presented two remonstrances of members of Young Men's Association of Albany, against any amendment to their charter, which was read and referred to the committee on literature.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the Fourth Avenue Savings bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to amend title eight of chapter eight of part third of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act for the completion of the draining of the Cayuga marshes and the removal of obstructions from the channel of Seneca river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Spinola presented a remonstrance of the supervisor and town clerk of the town of Wayland, against any division of said town, which was read and laid on the table.

Mr. Fiero, from the committee on privileges and elections, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to the penalties for violations of the election laws," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Fiero, from a majority of the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to exempt the county of Oneida from the operation of the 17th section of the act to suppress and regulate the sale of intoxicating liquors, passed April 17, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to enable James Doig to take, hold and convey real estate, and to confirm the title of real estate in said Doig," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the State in lands acquired by escheat to Joseph Prair, otherwise called Joseph Prieur," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Ferry presented two remonstrances against funding floating debt of city of Utica, which were read and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. J. M. Murphy presented four petitions of citizens of New York, for protection against unsafe buildings in said city, which were read and referred to the committee on the incorporation of cities and villages.

By unanimous consent, Mr. J. M. Murphy asked and obtained leave to introduce a bill entitled "An act to protect human life, and to provide against unsafe and dangerous buildings in the city of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. J. M. Murphy, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act to repeal the charter of the Westfield and Clymer Plankroad company, and the Westfield and Sherman Plankroad company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

By unanimous consent, Mr. Bell presented a petition of trustees of the village of Brownville, for an act to extend their corporate limits, which was read and referred to the committee on roads and bridges.

Mr. Montgomery, from the committee on the erection and division of towns and counties, to which was referred the Assembly bill entitled "An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled as follows:

"An act relating to street railways in the city of Buffalo."

Ordered, That the Clerk return said bill to the Assembly.

A message from the Assembly was also received, returning the bill entitled as follows:

"An act to increase the fees of the civil justice of the peace for the city of Hudson."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Gardiner, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Warner asked and obtained leave to introduce a bill entitled "An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Warner, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal the charter of the Westfield and Clymer Plankroad company, and the Westfield and Sherman Plankroad company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to revise the charter of the city of Oswego," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ferry, from the select committee of eight, reported the following entitled bills as proper to be taken from the general orders and recommitted to the standing committees reporting them, with power to report complete, to wit:

"An act to amend chapter 435 of the laws of 1859, entitled 'An act for the relief of the Ausable Plankroad company.'"

"An act confirming certain leases of all the oil and salt springs on the Allegany reservations, in the counties of Cattaraugus and Allegany, made by the Seneca nation of Indians to Bradford R. Alden of the city of New York."

"An act requiring school district lines to be definitely described and recorded."

"An act to amend the act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed 1848."

"An act authorizing the reports of the male and female departments of State prisons to be made separately."

"An act to amend an act entitled 'An act providing for the better collection of county taxes in the city of Buffalo, and for the sale by the treasurer of Erie county, of lands in said city, for unpaid taxes,' passed April 7, 1859."

"An act to provide for the improvement of the navigation of the East river."

Also, the following Assembly bills:

"An act to regulate the compensation of supervisors for distributing the public school moneys."

"An act to amend section 22 of article second of title 5, chapter 6, of the third part of the Revised Statutes."

"An act to incorporate 'The Minstrel Fund Association.'"

"An act to amend an act to incorporate the Atlantic Dock company, passed May 6, 1840."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

By unanimous consent, Mr. Manierre presented a petition of G. T. Cobb and others, for an act to incorporate the Home Savings bank, which was read and referred to the committee on banks.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act for the improvement of the navigation of the East river," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 22 of article 2d of title 5, chap. 6, of the 3d part of the Revised Statutes," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend chapter 485 of the laws of 1859, entitled 'An act for the relief of the Ausable Plank-road company,'" with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on Indian affairs, to which was referred the bill entitled "An act to repeal certain sections of acts heretofore passed relative to allotment of lands among the Seneca Indians on the Allegany and Cattaraugus reservations, in this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on Indian affairs, to which was referred the bill entitled "An act confirming certain leases of all the oil and salt springs on the Allegany reservations, in the counties of Cattaraugus and Allegany, made by the Seneca nation of Indians to Bradford R. Alden, of the city of New York" with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Warner, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate 'The Minstrel Fund Association,'" with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe, from the committee on State prisons, to which was referred the bill entitled "An act authorizing the reports of the male and female departments of State prisons to be made separately," with power to report complete, reported the same complete, which

report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to regulate the compensation of supervisors for distributing the public school moneys," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act requiring school district lines to be definitely described and recorded," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported progress and asked leave to sit again.

Mr. Manierre moved that the report of the committee be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Connolly	Lawrence	J. M. Murphy	Spinola
Blood	Gardiner	Manierre	Prosser	Warner
Colvia				

11

FOR THE NEGATIVE.

Abell	Goss	Ketcham	Munroe	Robertson
Ferry	Hammond	Lapham	P. P. Murphy	Sessions
Fiero	Hillhouse	Montgomery	Richmond	

14

Mr. Hammond moved that said bill be made the special order to-morrow, at 11 A. M., and that the final vote be taken on Monday evening, at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell, from the committee on manufactures, to which was referred the bill entitled "An act to amend the act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed 1848," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lapham, from the committee on poor laws, to which was referred the bill entitled "An act to create in the city and county of New York, the department of public charities and correction, and to abolish the alms house department therein," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Goss presented a petition of property owners in the city of New York, for the erection of the new city hall, in Madison square, which was read and laid on the table.

On motion of Mr. Blood, the Senate adjourned.

SATURDAY, MARCH 31, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Howlett.

The journal of yesterday was read and approved.

Messrs. Munroe, Robertson, Fiero, Gardiner, J. M. Murphy, Ketcham, Truman, Connolly, Manierre and McGraw, severally presented petitions for a new city hall in Madison square, which were read and laid on the table.

Mr. Manierre presented three petitions of citizens of New York, for repeal of the record commissioners act, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Warner presented a resolution and remonstrance of supervisors of Allegany county, against half shire in that county, which was read and referred to the committee of the whole.

Mr. Lawrence presented five remonstrances of property holders of the city of New York, against the erection of a city hall on Madison square, which were read and laid on the table.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act providing for the better collection of county taxes in the city of Buffalo, and for the sale by the treasurer of Erie county, of lands in said city, for unpaid taxes,' passed April 7, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the town of Hannibal, to purchase a farm and erect thereon a town poor house," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from a majority of the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the laying of a double railroad track in the city of Brooklyn and county of Kings, and the town of Newtown, in the county of Queens," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the Atlantic Dock company, passed May 6,

1840," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Connolly, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners' lines."

"An act to provide for a police court in the city of New York."

"An act to amend the act to authorize the formation of corporations for manufacturing, mining, chemical or mechanical purposes, passed 1848."

"An act authorizing the reports of the male and female departments of State prisons to be made separately."

"An act requiring school district lines to be definitely described and recorded."

"An act to establish a nautical school in the harbor of New York."

"An act to amend chapter 435 of the laws of 1859, entitled 'An act for the relief of the Ausable Plankroad company.'"

"An act confirming certain leases of all the oil and salt springs on the Allegany reservations, in the counties of Cattaraugus and Allegany, made by the Seneca nation of Indians to Bradford R. Alden, of the city of New York."

"An act to abolish the board of commissioners of excise of the county of Chautauqua, and confer their powers and duties upon the justices of the peace in the several towns in said county, and the overseers of the poor therein."

"An act to incorporate the Oswegatchie Fair Ground company."

"An act to amend the Revised Statutes in relation to the penalties for violation of the election law."

"An act to legalize certain proceedings of the mayor, aldermen and commonalty of the city of New York."

Mr. Richmond presented a communication from the secretary of the board of Regents of the University, in relation to the Colonial History of the State, which was laid on the table and ordered printed.

(See Doc. No. 76.)

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend the charter of the village of Brownville," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bell, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

By unanimous consent, Mr. Sessions asked and obtained leave to introduce a bill entitled "An act authorizing the supervisors of the county of Chautauqua to create a loan for the erection of a penitentiary in said county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule

was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

The Assembly bill entitled "An act relative to lands devised by Augustus Van Cortlandt, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	McGraw	Ramsey
Bell	Ferry	Hillhouse	Montgomery	Robertson
Blood	Fiero	Ketcham	J. M. Murphy	Warner
Colvin	Gardiner	Lawrence	Prosser	

19

FOR THE NEGATIVE.

Goss	Lapham	Manierre		
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act for the relief of C. W. Allis and others," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Robertson
Bell	Fiero	Lapham	P. P. Murphy	Sessions
Blood	Gardiner	Lawrence	Prosser	Truman
Colvin	Goss	McGraw	Ramsey	Warner
Connolly	Hillhouse	Montgomery		

23

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of E. Norman Leslie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	J. M. Murphy	Richmond
Bell	Gardiner	Lapham	P. P. Murphy	Sessions
Colvin	Goss	Lawrence	Prosser	Truman
Connolly	Hammond	McGraw	Ramsey	Warner
Ferry	Hillhouse	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to legalize the acts of the board of education of school district number 7, in the town and county of Niagara, and to define the limits of said district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Montgomery	Ramsey
Bell	Gardiner	Ketcham	Munroe	Robertson
Colvin	Goss	Lapham	J. M. Murphy	Spinola
Connolly	Grant	Lawrence	P. P. Murphy	Truman
Ferry	Hammond	McGraw	Prosser	Warner

25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The bill entitled "An act to establish a Nautical school in the harbor of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Manierre	Prosser
Bell	Gardiner	Ketcham	Montgomery	Ramsey
Colvin	Goss	Lapham	Munroe	Robertson
Connolly	Grant	Lawrence	J. M. Murphy	Warner
Ferry	Hammond	McGraw	P. P. Murphy	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to prevent encroachment and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners' lines," having been announced,

By unanimous consent, Mr. Lawrence moved to amend by striking out the words "twenty-four hours" in first section of said bill, and inserting in lieu thereof the words "three days."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Montgomery	Robertson
Colvin	Goss	Lapham	Munroe	Sessions
Connolly	Grant	McGraw	J. M. Murphy	Spinola
Ferry	Hammond	Manierre	P. P. Murphy	Warner
Fiero	Hillhouse			

22

FOR THE NEGATIVE.

Lawrence

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for a police court in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	Lapham	J. M. Murphy	Spinola
Colvin	Hammond	McGraw	Ramsey	Truman
Connolly	Hillhouse	Manierre	Robertson	Warner
Gardiner	Ketcham	Montgomery	Sessions	

19

FOR THE NEGATIVE.

Ferry Munroe

2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to abolish the board of commissioners of excise of the county of Chautauqua, and confer their powers and duties upon the justices of the peace in the several towns in said county, and the overseers of the poor therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Colvin	Grant	Lapham	J. M. Murphy	Robertson
Connolly	Hammond	McGraw	P. P. Murphy	Sessions
Ferry	Hillhouse	Manierre	Prosser	Spinola
Fiero	Ketcham	Munroe	Ramsey	Warner

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act in relation to the bank deposit, and custodian of public moneys in New York," having been announced,

Mr. Manierre moved to recommit said bill with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Goss	Hillhouse	Manierre	Prosser	Ramsey
Grant	Lawrence			

7

FOR THE NEGATIVE.

Abell	Ferry	Kelly	Montgomery	Sessions
Bell	Fiero	Ketcham	Munroe	Spinola
Blood	Gardiner	Lapham	J. M. Murphy	Warner
Connolly	Hammond	McGraw	Robertson	

19

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Grant	McGraw	Robertson
Bell	Ferry	Kelly	Montgomery	Sessions

Blood	Fiero	Ketcham	Munroe	Spinola	
Colvin	Gardiner	Lapham	J. M. Murphy	Warner	20

FOR THE NEGATIVE.

Hillhouse	Manierre	Prosser	Ramsey	Truman	6
Lawrence					

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act confirming certain leases of all the oil and salt springs on the Allegany reservations, in the counties of Cattaraugus and Allegany, made by the Seneca nation of Indians to Bradford R. Alden, of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Montgomery	Ramsey	
Blood	Goss	Lapham	Munroe	Robertson	
Colvin	Grant	Lawrence	P. P. Murphy	Sessions	
Connolly	Hillhouse	McGraw	Prosser	Spinola	
Ferry	Kelly				22

FOR THE NEGATIVE.

Manierre	Warner				2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act requiring school district lines to be definitely described and recorded," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Colvin	Goss	Lapham	P. P. Murphy	Sessions	
Ferry	Hillhouse	McGraw	Prosser	Spinola	
Fiero	Kelly	Montgomery	Ramsey	Warner	
Gardiner	Ketcham	Munroe	Robertson		19

FOR THE NEGATIVE.

Abell	Manierre	Richmond			3
-------	----------	----------	--	--	---

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Kelly	McGraw	Ramsey	
Connolly	Goss	Ketcham	Manierre	Richmond	
Ferry	Grant	Lapham	Montgomery	Robertson	
Fiero	Hillhouse				17

FOR THE NEGATIVE.

Abell Warner

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to enable James Doig to take, hold and convey real estate and to confirm the title of real estate in said Doig," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Colvin	Goss	Lapham	Montgomery	Richmond
Connolly	Grant	Lawrence	P. P. Murphy	Robertson
Ferry	Hillhouse	McGraw	Prosser	Spinola
Fiero	Kelly	Manierre	Ramsey	Warner
Gardiner	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to release the interest of the State in lands acquired by escheat to Joseph Prair, otherwise called Joseph Prieur," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Lawrence	Munroe	Richmond
Colvin	Hillhouse	McGraw	P. P. Murphy	Robertson
Connolly	Kelly	Manierre	Prosser	Spinola
Ferry	Ketcham	Montgomery	Ramsey	Warner
Fiero	Lapham			

22

FOR THE NEGATIVE.

Abell Goss

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to legalize certain proceedings of the mayor, aldermen and commonalty of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Kelly	Montgomery	Robertson
Connolly	Goss	Ketcham	Prosser	Seassons
Ferry	Grant	Lapham	Ramsey	Warner
Fiero	Hillhouse			

17

FOR THE NEGATIVE.

Abell Lawrence McGraw Manierre P. P. Murphy

5

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Oswegatchie Fair Ground company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	McGraw	Ramsey
Blood	Fiero	Kelly	Montgomery	Richmond
Colvin	Gardiner	Ketcham	Munroe	Robertson
Connolly	Goss	Lapham	Prosser	Sessions
				20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend section 22 of article 2d of title 5, chapter 6, of the 3d part of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Robertson
Blood	Gardiner	Manierre	Prosser	Sessions
Colvin	Goss	Montgomery	Ramsey	Spinola
Connolly	Hillhouse	Munroe	Richmond	Warner
Ferry	Lapham			22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate the Franklin Savings bank, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Montgomery	Richmond
Blood	Goss	Lapham	Munroe	Robertson
Colvin	Grant	Lawrence	P. P. Murphy	Sessions
Connolly	Hillhouse	McGraw	Prosser	Spinola
Ferry	Kelly	Manierre		23

FOR THE NEGATIVE.

Warner

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act authorizing the reports of the male and female departments of State prisons to be made separately," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood	Fiero	Kelly	Montgomery	Seesions
Colvin	Gardner	Ketcham	Munroe	Spinola
Connolly	Grant	Lapham	Prosser	Warner
Ferry	Hillhouse	Manierre	Richmond	

19

FOR THE NEGATIVE.

Goss

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the opening of East New York avenue, in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Montgomery	Richmond
Blood	Grant	Lawrence	Munroe	Robertson
Colvin	Hillhouse	McGraw	J. M. Murphy	Spinola
Fiero	Ketcham	Manierre	Prosser	Warner

29

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend the Revised Statutes in relation to the penalties for violation of the election laws," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	Lawrence	Munroe	Richmond
Colvin	Hillhouse	McGraw	P. P. Murphy	Robertson
Ferry	Ketcham	Manierre	Prosser	Warner
Fiero	Lapham	Montgomery	Ramsay	

19

FOR THE NEGATIVE.

Spinola

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Fiero	Lapham	J. M. Murphy	Robertson
Colvin	Goss	McGraw	Prosser	Spinola

Connelly	Hillhouse	Montgomery	Ramsey	Truman	
Ferry	Ketcham	Munroe	Richmond	Warner	20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

The bill entitled "An act to amend chapter 435 of the laws of 1859, entitled 'An act for the relief of the Ausable Plankroad company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Goss	Lapham	Prosser	Sessions	
Connelly	Grant	Montgomery	Ramsey	Truman	
Ferry	Hillhouse	Munroe	Richmond	Warner	
Fiere	Ketcham	J. M. Murphy			18

FOR THE NEGATIVE.

Lawrence	McGraw				2
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate 'The Minstrel Fund Association,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	Lawrence	J. M. Murphy	Robertson	
Colvin	Grant	McGraw	P. P. Murphy	Sessions	
Connelly	Ketcham	Montgomery	Ramsey	Warner	
Fiere	Lapham	Munroe	Richmond		19

FOR THE NEGATIVE.

Hillhouse					1
-----------	--	--	--	--	---

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to regulate the compensation of supervisors for distributing the public school moneys," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Montgomery	Robertson	
Colvin	Goss	Ketcham	J. M. Murphy	Sessions	
Connelly	Grant	Lapham	P. P. Murphy		14

FOR THE NEGATIVE.

Blood	Lawrence	Munroe	Ramsey	Truman	
Fiere	McGraw	Prosser	Richmond	Warner	10

Mr. Robertson moved to reconsider that vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved to lay said bill on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported in favor of the passage of said bill, with amendments.

Mr. Manierre moved to lay the report of the committee on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Grant	Lawrence	J. M. Murphy	Spinola	
Connolly	Kelly	Manierre	Prosser	Warner	
Gardiner					11

FOR THE NEGATIVE.

Abell	Goss	Lapham	P. P. Murphy	Robertson	
Ferry	Hammond	Montgomery	Ramsey	Sessions	
Fiero	Hillhouse	Munroe			12

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bill be engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to authorize the construction of a railroad in 7th avenue and in certain streets of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the construction of a railroad in 14th street and in other streets of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the construction of a railroad from Barclay street to the South ferry, in the city of New York," which was read the first time, and by unanimous consent was also read the second

time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the construction of a railroad in Houston and other streets in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the construction of a railroad in 10th avenue, 42d street, and certain other avenues and streets of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the construction of a railroad in Avenue D, East Broadway, and other streets of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act relating to the foreclosure and sale of the New York and Erie railroad."

Ordered, That the Clerk deliver said bill to the Governor.

A message was received and read, from his Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, *March 31, 1860.*

To the Senate:—I transmit herewith a communication from the Commissioners' of Pilots of the Port of New York, asking to be relieved from the duties imposed upon them by the law of 1857.

While I consider it will be detrimental to the State as well as to the city to lose the services of the Commissioners' of Pilots, I cannot but feel that they are right in asking to be relieved from the responsibility of duties which in their opinion they cannot properly perform under the existing law.

E. D. MORGAN.

By unanimous consent, Mr. Hammond offered the following resolution:

Resolved, That the Senate will offer no opposition to the resignation of the board of Pilot Commissioners.

Mr. Fiero moved to lay the whole subject on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Ferry	Hillhouse	Montgomery	P. P. Murphy	Ramsey	
Fiero	Ketcham	Munroe	Prosser	Warner	
Goss	Lapham				13

FOR THE NEGATIVE.

Abell	Gardiner	Kelly	J. M. Murphy	Spinola	
Colvin	Grant	Lawrence	Sessions	Truman	
Connolly	Hammond	Manierre			13

Mr. Warner moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Ferry	Ketcham	Montgomery	P. P. Murphy	Ramsay	
Fiero	Lapham	Munroe	Prosser	Warner	
Goss					11

FOR THE NEGATIVE.

Abell	Gardiner	Hillhouse	Manierre	Spinola	
Colvin	Grant	Kelly	J. M. Murphy	Truman	
Connolly	Hammond	Lawrence	Sessions		14

The President then put the question whether the Senate would agree to the adoption of said resolution of Mr. Hammond, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Kelly	Manierre	Spinola	
Colvin	Hammond	Lawrence	Sessions	Truman	
Connolly					11

FOR THE NEGATIVE.

Fiero	Hillhouse	Montgomery	P. P. Murphy	Ramsay	
Goss	Lapham	Munroe	Prosser	Warner	
					10

Mr. Spinola moved that the communication of the Pilot Commissioners be returned to the Governor.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Communication of Commissioners' of Pilots, accompanying message of the Governor, was laid upon the table and ordered printed.

(See Doc. No. 00.)

On motion of Mr. Munroe, the Senate adjourned.

MONDAY, APRIL 2, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Estover.

The journal of Saturday, was read and approved.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act in relation to police and courts in the city of New York."

"An act to provide for the improvement of the navigation of East river."

"An act to confirm and legalize certain acts of the common council of the city of New York."

"An act to amend an act entitled 'An act providing for the better collection of county taxes in the city of Buffalo, and for the sale by the treasurer of Erie county of lands in said city for unpaid taxes,' passed April 7, 1859."

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend the charter of the

village of Brownville," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

A message from the Assembly was received, informing that they had concurred in the amendment of the Senate to the bill entitled as follows:

"An act in relation to Legislative stationery."

Ordered, That the Clerk return said bill to the Assembly.

The Assembly bill entitled "An act to incorporate the Atlantic Dock company, passed May 6, 1840," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Ferry	Hillhouse	McGraw	P. P. Murphy	Sessions	
Goss	Kelly	Montgomery	Prosser	Spinola	
Grant	Lapham	Munroe	Ramsey	Truman	
Hammond	Lawrence	J. M. Murphy	Robertson	Warner	20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend an act entitled 'An act providing for the better collection of county taxes in the city of Buffalo, and for the sale by the treasurer of Erie county, of lands in said city, for unpaid taxes,' passed April 7, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	McGraw	P. P. Murphy	Sessions	
Ferry	Kelly	Montgomery	Prosser	Spinola	
Goss	Lapham	Munroe	Ramsey	Truman	
Grant	Lawrence	J. M. Murphy	Robertson	Warner	
Hammond					21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize certain acts of the common council of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Kelly	McGraw	Ramsey	Spinola	
Ferry	Lapham	Montgomery	Robertson	Truman	
Hammond	Lawrence	J. M. Murphy	Sessions		14

FOR THE NEGATIVE.

Goss	Hillhouse	Munroe	Prosser	Warner	
Grant					

Mr. Lawrence moved to reconsider, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend the act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Ferry	Hillhouse	McGraw	Ramsey	Spinola
Goss	Kelly	Montgomery	Robertson	Truman
Grant	Lapham	Munroe	Sessions	Warner
Hammond	Lawrence	J. M. Murphy		

18

FOR THE NEGATIVE.

Prosser

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal the charter of the Westfield and Clymer Plankroad company, and the Westfield and Sherman Plankroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	Lawrence	J. M. Murphy	Sessions
Blood	Hillhouse	McGraw	P. P. Murphy	Spinola
Ferry	Kelly	Montgomery	Prosser	Truman
Goss	Lapham	Munroe	Ramsey	Warner

29

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Munroe moved to take from the table the Assembly bill entitled "An act for the appointment of commissioners to examine and report on the claim of John Gihon."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved to reconsider the vote agreeing with the report of the committee of the whole, striking out the enacting clause of said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. McGraw moved that the Assembly bill entitled "An act for the relief of Alson Adams," be referred to the first committee of the whole.

The President put the question whether the Senate would agree

to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act for the relief of Alson Adams."

"An act for the relief of Daniel Cameron."

"An act authorizing G. Hurlbut and others, of the village of Tonawanda, to file their claims for damages."

After some time spent thereon, the President resumed the chair, and Mr. Hillhouse, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Hillhouse, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Prosser moved that the committee of the whole be discharged from the further consideration of said bill, and that it be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

STATE OF NEW YORK: }
EXECUTIVE DEPARTMENT, }

ALBANY, April 2, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

March 29. "An act to provide for the construction and maintenance of a bridge over the Erie canal, in the village of Cohoes, in Albany county."

29. "An act to amend an act authorizing the trustees of school district No. 12, in the towns of Ridgeway and Shelby, Orleans county, to raise money by tax, passed January 28, 1860."

29. "An act to amend an act entitled 'An act for the removal of obstructions from Harlem river, and for a free bridge over the same,' passed April 16, 1858, as amended April 15, 1859."

30. "An act to confirm and make valid and effectual certain ordinances of the common council of the city of New York."

30. "An act to confirm and make valid and effectual a certain ordinance of the common council of the city of New York."

30. "An act declaring and confirming the location of the county buildings of the county of Schuyler, and providing for the holding of courts therein."

30. "An act to amend the charter of St. Stephen's college."

- March 30. "An act to alter the boundary line of the town of Fremont."
30. "An act to organize a fire department in the village of Delhi, Delaware county."
30. "An act to make the office of supervisor in Erie county a salaried office, and to regulate the compensation of the clerk of the board of supervisors in said county."
30. "An act to constitute the village of Argyle, in the county of Washington, a separate road district."
30. "An act relative to highways in the village of Sandy Hill."
30. "An act to amend section 53 of the Code of Procedure, and to extend the jurisdiction of justices' courts, and to provide for proceedings therein."
30. "An act to increase the fees of the civil justice of the peace for the city of Hudson."
30. "An act to revive and continue in force the charter of the village of Durhamville, in the county of Oneida."
31. "An act for the relief of the holders of the mortgage bonds of the Black river and Utica railroad company, and to enable them to organize a new railroad company."
31. "An act in relation to District Attorneys."
31. "An act in relation to the fees of grand and petit jurors."
31. "An act to authorize the sale and conveyance of a portion of lot number 27, in block 118, in the city of Oswego."
31. "An act confirming the rights of the assignees of Philip A. Strong, to the ferry across Chautauqua lake, and to authorize the county court to fix the rates of toll."
31. "An act to legalize the election of trustees in the village of Avon, Livingston county."
31. "An act to amend an act entitled 'An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857."
31. "An act to amend an act entitled 'An act to prevent and punish prize fighting,' passed March 7, 1859."
31. "An act to amend an act entitled 'An act to incorporate the Youatt Lyceum of New York,' passed April 16, 1858."

E. D. MORGAN.

By unanimous consent, Mr. Lapham moved that the bill entitled "An act to create a new ward in the city of Brooklyn," be referred to the first committee of the whole.

Mr. Hammond moved to lay said bill on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to prevent frauds in the sale of goods and personal property at auctions."

"An act authorizing a husband or wife to be examined as witnesses in certain cases."

Assembly bill, "An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages."

After some time spent thereon, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend title 8, of chapter 8, of part 3d of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the relief of Philip Christiance, Jr., of Palatine, Montgomery county."

"An act for the better protection of steamboat piers in the city of New York."

"An act for the removal of insane convicts from the State Lunatic Asylum at Utica, to the State Lunatic Asylum for insane convicts, at Auburn."

After some time spent thereon, the President resumed the chair, and Mr. P. P. Murphy, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. P. P. Murphy, from the same committee, reported that they had made sundry amendments to the second named bill, and also amended the title so as to read as follows: "An act for the better protection of steamboat and other piers in the city of New York," and in favor of the passage of the same, as amended, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. P. P. Murphy, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Abell, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Buffalo Agricultural and Industrial Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abell, from the committee on agriculture, to which was re-

ferred the Assembly bill entitled "An act to enable the Rensselaer County Agricultural Society to sell its real estate and change its name," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The hour of one o'clock having arrived, the President announced the special order, being the "Concurrent resolution to amend the the Constitution, relative to the judiciary of the State," in the words following, to wit:

Whereas, at the last session of the Legislature the following amendment to the Constitution was proposed, viz:

From and after the third Tuesday of June, 1860, the Court of Appeals shall consist of six judges, to be chosen by the electors of this State. The four judges who may then be in office by previous election or appointment, shall continue to hold until the expiration of their respective terms. On the third Tuesday of May, 1860, an election shall be held, at which two judges of said court shall be chosen, whose terms shall commence on the third Tuesday of June, 1860. The term of one of them shall expire in nine years from the thirty-first day of December following, and of the other in eleven years from the same time. At the general election in the year 1861, and in every second year thereafter, unless the Legislature shall by law appoint a different day, one judge of said court shall be chosen for a term of twelve years from and after the thirty-first day of December, next after such election. Four judges shall constitute a quorum. In case of the absence or inability to serve, of any judge or judges, the Governor may appoint one or more justices of the Supreme Court to serve for the time being.

Section seven of article six of the Constitution is hereby abrogated, and the following provisions substituted:

The judges of the Court of Appeals and the justices of the Supreme Court, shall receive, at stated times, for their service, a compensation, to be established by law; the provision made for such compensation, by act of the Legislature, in the year 1857, shall apply to judges and justices then in office as well as those thereafter elected or appointed, and the same shall be deemed to have taken effect accordingly from the first day of January, 1858.

Section 14 of art. 6 of the Constitution, is amended as follows:

The county court shall have such original and appellate jurisdiction as the Legislature may prescribe.

And whereas, the said proposed amendment was then agreed to by a majority of the members elected to each of the two Houses, and entered on the journals, with the ayes and noes taken thereon, and referred to the Legislature to be chosen at the next general election of Senators then ensuing:

And whereas, the said proposed amendment has been duly published for three months previous to making such choice, in pursuance of the provisions of the first section of the thirteenth article of the Constitution:

Resolved, (if the Assembly concur,) That the Senate do agree to the proposed amendment.

Mr. Ferry moved that said special order be postponed until the 4th day of July next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Colvin Connolly	Ferry Lapham	Montgomery Munroe	P. P. Murphy Truman	Warner	9
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FOR THE NEGATIVE.

Abell Fiero Goss	Grant Hammond	Lawrence McGraw	Prosser Ramsey	Richmond Spinoia	11
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Mr. Truman moved that said special order be postponed indefinitely.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell Colvin Connolly	Ferry Fiero Grant	Lapham McGraw Montgomery	Munroe P. P. Murphy Richmond	Truman Warner	14
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FOR THE NEGATIVE.

Goss Hammond	Lawrence	Prosser	Ramsey	Spinoia	6
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By unanimous consent, Mr. Munroe offered the following resolution :

Resolved, That the Commissioners of the Land Office, be respectfully requested to furnish this Senate with any information they may have, in addition to what has been furnished, in relation to the claim of Gertrude C. Doe.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill :

"An act to provide for the speedy completion of sections numbers 20 and 21 of the Oswego canal enlargement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Colvin presented two remonstrances of members of the Young Men's Association of Albany, against any amendment to their charter, which were read and referred to the committee on literature.

By unanimous consent, Mr. Hammond presented a petition of property owners of the city of New York, for the erection of a new city hall in Madison square, which was read and referred to the committee of the whole.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to incorporate the People's Savings bank of Dutchess county," with the following amendments :

In line 5, section 10, engrossed bill, after the word "Legislature," strike out the balance of the section and insert the following in lieu thereof: "or the said Superintendent shall designate or appoint as their or his agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Banking Department shall certify to be reasonable and just."

Strike out all after the word "shall" in line eleven of section eleven, and insert the following: "be made by any female being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor such sums as shall be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation.

" § 12. The misnomer of said corporation in any instrument, shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

" § 13. The Supreme Court may, at any time, on the application of any trustee or depositor in said institution, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and be subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons, and the said court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of the said corporation. The said person or persons so appointed shall report the result of their investigation to said court, who, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further orders and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

" § 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting saving institutions, so far as the same are applicable, and this act may be repealed, altered or amended at any time hereafter.

" § 15. This act shall take effect immediately."

Mr. Ketcham moved that the Senate concur in said amendments of the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	P. P. Murphy	Spinola
Colvin	Goss	Lapham	Ramsey	Truman
Connolly	Hammond	Montgomery	Richmond	Warner
Fiero	Hillhouse	Munroe	Robertson	19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to incorporate the Corning Savings bank," with the following amendments:

Last line but 4, section 6, engrossed bill, strike out the word "thirty" and insert in lieu thereof the word "twenty;" section 9, lines one and two, strike out the words "in the month of January;" after the word "the" in line two, same section, strike out the balance of the section and insert in lieu thereof the words "Superintendent of the Banking Department, according to law."

Section 10, line 3, strike out "Comptroller" and insert "Superintendent of the Banking Department;" line 4, same section, strike out "Comptroller" and insert "said Superintendent;" last line, same section, strike out "Comptroller" and insert "Superintendent of the Banking Department."

Section 12, strike out all to and including the word "thereof" in line 12.

Add the following to the 14th section: "And it shall also be subject to the provisions and penalties of the act entitled 'An act in relation to Savings banks, passed March 20, 1857,' and this act may be repealed, altered, or amended at any time by the Legislature."

Mr. Hammond moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, as follows;

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	P. P. Murphy	Spinola
Colvin	Goss	Lapham	Ramsey	Truman
Connolly	Hammond	Montgomery	Richmond	Warner
Fiero	Hillhouse	Munroe	Robertson	19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the following entitled bill:

"An act giving to the purchaser or purchasers of the property and franchises of the Buffalo and Batavia Plankroad company all the corporate rights and franchises of said company on a sale by the receiver."

Ordered, That the Clerk return said bill to the Assembly.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to provide

for the election of officers of the village of Pike, and for other purposes," with the following amendments:

Section 1, line 2, after the word "Pike" insert the words "in the county of Wyoming."

Section 2, line 1, strike out the word "first" and insert in lieu thereof the word "third."

Same section, line 2, strike out the word "March" and insert in lieu thereof the word "April."

Amend the title by inserting after the word "Pike," the words "in the county of Wyoming."

Mr. Abell moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Richmond
Bell	Goss	Ketcham	P. P. Murphy	Robertson
Colvin	Grant	Lapham	Prosser	Spinola
Connolly	Hammond	Montgomery	Ramsey	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857."

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to establish the grade of Flatbush avenue, in the city of Brooklyn," with power to report complete, reported the same complete, with amendment; also, amended the title so as to read "An act to establish the grade of the Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto," which report was agreed to, and said bill ordered engrossed for a third reading.

The bill entitled "An act to amend the charter of the village of Brownville," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardner	Lapham	P. P. Murphy	Robertson
Bell	Goss	Manierre	Prosser	Spinola
Colvin	Hammond	Montgomery	Ramsey	Truman
Connolly	Hillhouse	Munroe	Richmond	Warner
Fiero	Ketcham			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	P. P. Murphy	Sessions
Bell	Goss	Manierre	Prosser	Spinola
Colvin	Hammond	Montgomery	Richmond	Truman
Connolly	Hillhouse	Munroe	Robertson	Warner
Fiero	Ketcham			

22

FOR THE NEGATIVE.

Lawrence	1
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to provide for the improvement of the navigation of the East river," having been announced,

Mr. Robertson moved to recommit said bill to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, returning the following entitled bills:

"An act to incorporate the People's Savings bank of Dutchess county."

"An act to provide for the election of officers of the village of Pike, in the county of Wyoming, and for other purposes."

Ordered, That the Clerk deliver said bills to the Governor.

The third reading of the bill entitled "An act in relation to police courts in the city of New York," having been announced,

Mr. Hammond moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lawrence moved to take from the table the motion to reconsider the vote on the bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Robertson
Blood	Gardiner	Lapham	P. P. Murphy	Sessions
Colvin	Goss	Lawrence	Prosser	Spinola
Connolly	Hammond	Manierre	Ramsay	Truman
Ferry	Hillhouse	Montgomery	Richmond	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. P. P. Murphy moved to take from the table the motion to reconsider the vote on the bill entitled "An act authorizing the appraisal and payment of damages to Avery S. Delano, James Sleeper and Harvey D. Spaulding, caused by a break in the Erie canal in the town of Royalton, Niagara county "

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Munroe	Ramsey
Bell	Goss	Lawrence	J. M. Murphy	Robertson
Blood	Hammond	Manierre	P. P. Murphy	Spinola
Colvin	Hillhouse	Montgomery	Prosser	Truman
Connolly				

21

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Steuben Monument Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	Munroe	Robertson
Bell	Fiero	Hillhouse	J. M. Murphy	Sessions
Blood	Gardiner	Ketcham	Prosser	Spinola
Connolly	Goss	Manierre	Ramsey	Warner

20

FOR THE NEGATIVE.

Colvin	Lawrence	Richmond	Truman
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4

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to incorporate the Rose Juvenile Association, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Ferry, from the committee on insurance companies, to which was referred the bill entitled "An act to alter and amend the charter of the Homestead Fire Insurance company of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The hour of 8 o'clock having arrived, the President announced the special order, being the third reading of the bill entitled "An

act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857."

The Clerk was proceeding to the reading of said bill, when

Mr. J. M. Murphy moved to recommit to the committee on the internal affairs of towns and counties, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood Connolly	Gardiner Grant	Hillhouse Kelly	Lawrence Manierre	J. M. Murphy Spinola	10
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FOR THE NEGATIVE.

Abell Bell Ferry Fiero	Goss Hammond Ketcham Lapham	McGraw Montgomery Munroe	P. P. Murphy Ramsey Richmond	Robertson Sessions Warner	17
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The Clerk was again proceeding to the reading of said bill, when

Mr. P. P. Murphy moved to recommit said bill to the committee on the internal affairs of towns and counties.

Mr. Robertson moved to amend so as to recommit said bill to the first committee of the whole, and that the bill be made the special order for to-morrow, at 11 A. M.

Mr. Bell moved to amend by striking out the words "11 A. M.," and inserting in lieu thereof, the words "evening, at 7 o'clock."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell Blood Connolly Gardiner	Grant Hammond Hillhouse Kelly	Lawrence Manierre Montgomery J. M. Murphy	P. P. Murphy Prosser Ramsey	Spinola Truman Warner	18
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FOR THE NEGATIVE.

Abell Ferry	Fiero Goss	Ketcham Lapham	Munroe Richmond	Robertson Sessions	10
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The President then put the question whether the Senate would agree to said motion of Mr. Robertson, as amended, and it was decided in the affirmative.

On motion of Mr. Lawrence, the Senate adjourned.

TUESDAY, APRIL 3, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Estover.

The journal of yesterday was read and approved.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to amend the charter of the village of Brownville."

"An act for the removal of insane convicts from Utica Insane Asylum to Auburn Insane Asylum."

"An act for the better protection of steamboat and other piers in the city of New York."

"An act for the relief of Philip Christiance, Jr., of Palatine Bridge, Montgomery county."

"An act to prevent frauds in the sale of goods and personal property at auction."

"An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house."

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to amend chapter 48 of the laws of 1853, entitled 'An act for laying out and constructing a road from the town of Parishville to Long lake, passed March 23, 1853,' and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Peekskill, to alter the bounds and enlarge the powers of the corporation of said village,' passed March 25, 1859," which was read the first time, and by unanimous consent, was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, with power to report complete.

"An act to incorporate the Rockland County Savings bank, of Rockland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act in reference to the University of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to annex the town of Annsville, in the county of Oneida, to the fourth school commissioner's district of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek, in the county of Chautauqua,' passed April 13, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act making the village of Mechanicsville a separate road district," which was read the first time, and by unanimous consent was

also read the second time, and referred to the committee on roads and bridges.

"An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to extend the term of service of the supervisors of Niagara county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to authorize the common council of the city of Rochester to raise ten thousand dollars for the use of the public schools therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act relating to insane patients in the Rensselaer county Lunatic Asylum," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

"An act to incorporate the Atlantic Savings bank of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to incorporate the Down Town Association, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act relative to the village of Deposit," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to incorporate the 'Conqueror Hook and Ladder and Bucket company,' at Tarrytown, Westchester county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act for loaning certain moneys to the Antwerp Liberal Literary Institute, at Antwerp, Jefferson county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend the articles of incorporation of the Washington Insurance company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act to amend section 4, chapter 425, in relation to agricultural and horticultural purposes, passed April 13, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to incorporate the Brooklyn Medical and Surgical Institute," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

"An act to authorize the settlement of the claim of the State against the late treasurer of Livingston county, and his sureties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to incorporate the Long Island Steamboat company," with the following amendments:

In sec. 6, line 5, after words "Long Island sound," strike out the words "east of" and insert in lieu thereof the word "between."

Same section, same line, after the words "Throg's Neck," insert the words "and Port Jefferson."

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Montgomery	Rotch
Blood	Hammond	Lapham	Munroe	Spinola
Ferry	Hillhouse	McGraw	Robertson	Warner
Gardiner	Kelly			

17

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act to enable the Rensselaer County Agricultural Society to sell its real estate and change its name," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	Lapham	Munroe	Spinola
Blood	Hillhouse	McGraw	Richmond	Truman
Gardiner	Kelly	Montgomery	Rotch	Warner
Goss	Ketcham			

17

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Robertson moved that the committee on the incorporation of cities and villages, be discharged from the further consideration of the bill entitled "An act to incorporate the village of White Plains," and that it be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Warner offered the following resolution:

Resolved, That there be printed for the use of the Senate 3,000 extra copies of the report of the Attorney General, relative to the constitutionality of the bill repealing the law imposing tolls on the various railroads in this State.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Ketcham moved that the bill entitled "An act in relation to foreign insurance companies," be recommitted to the committee on insurance companies.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act for the removal of insane convicts from the State Lunatic Asylum at Utica, to the State Lunatic Asylum for Insane Convicts, at Auburn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Munroe	Robertson	
Blood	Hammond	Lapham	J. M. Murphy	Rotch	
Ferry	Hillhouse	McGraw	Ramsey	Spinola	
Gardiner	Kelly	Montgomery	Richmond	Warner	20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of Alson Adams," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, when the vote was as follows:

FOR THE AFFIRMATIVE.

Goss	Hillhouse	Munroe	Robertson	Warner	
Hammond	McGraw	J. M. Murphy			8

FOR THE NEGATIVE.

Abell	Kelly	Lapham	Richmond	Rotch	
Blood	Ketcham	Montgomery			8

The bill not having received the constitutional vote, was laid aside.

The bill entitled "An act for the relief of Philip Christiance, Jr., of Palatine, Montgomery county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Ramsey	Spinola	
Blood	Hillhouse	Montgomery	Richmond	Truman	
Ferry	Kelly	Munroe	Rotch	Warner	
Gardiner	Lapham	J. M. Murphy			18

FOR THE NEGATIVE.

Abell

Ketcham

Robertson

3

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. J. M. Murphy presented the 42d annual report of the trustees of the New York State Library, which was laid on the table and ordered printed.

(See Doc. No. 88.)

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act in relation to bale hay and hay scales."

"An act in relation to the New York State Agricultural College."

Ordered, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Spinola moved that the Assembly bill entitled "An act to alter the map of the late village of Williamsburgh, now city of Brooklyn, by striking out a part of a street," be recommitted to the committee on the incorporation of cities and villages, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857."

Assembly bill, "An act to amend an act entitled 'An act to authorize the Second Associate Congregation of Hebron, to dispose of church property,' passed March 29, 1858."

"An act to revive and extend an act respecting the appropriation of the waters of the Black river for the use of the Black River canal and Erie canal feeder, passed April 3, 1857."

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported in favor of the passage of the two first named bills, with amendments, which reports were agreed to, and said bills ordered to a third reading.

Mr. Ferry, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Union Savings bank of Batavia," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Prosser, from the committee on canals, to which was referred the Assembly bill entitled "An act to provide for the speedy completion of sections numbers 20 and 21 of the Oswego canal enlargement," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend section 4, chap-

ter 425, in relation to agricultural and horticultural societies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Hook and Ladder and Bucket company, at Tarrytown, Westchester county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to protect fish in the several lakes in the town of Freedom, in the county of Cattaraugus," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to extend the term of service of the supervisors of Niagara county," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the settlement of the claim of the State, against the late treasurer of Livingston county, and his sureties," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. P. P. Murphy presented a remonstrance of citizens of Batavia, against the incorporation of the Union Savings bank, in said village, which was read and laid on the table.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to incorporate the Homœopathic Medical College of the State of New York, in New York city," with the following amendments:

In sec. 1, line 4, engrossed bill, strike out the name of "Frederic Hudson."

Same section, lines 10 and 11, strike out the words "in the department of learning of the medical science professed and taught by the said college," and insert in lieu thereof the words "in the various departments of medical science."

Sec. 2, lines 5 and 6, strike out the words "as it may want," and insert in lieu thereof the words "as may be necessary."

Sec. 4, line 2, strike out the word "Homœopathic."

Sec. 4, line 10, strike out "course" and insert "courses."

Sec. 5, lines 1 and 2, after word "Regents" insert "of the University."

In all places where the word "Homœopathic" occurs, insert in lieu thereof the word "Homœopathic."

Mr. P. P. Murphy moved that the Senate concur in said amendments, except the one striking out the word "Homœopathic" in line 2, sec. 4, and that the Senate non-concur in that amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lawrence	P. P. Murphy	Sessions
Bell	Grant	McGraw	Robertson	Truman
Fiero	Hammond	Montgomery	Rotch	Warner
Gardiner	Hillhouse	Munroe		

18

FOR THE NEGATIVE.

Blood	Connolly	Brosser	Spinola
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4

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments thereto, except amendment striking out the word "Homœopathic" in line 2, sec. 4.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the common council of Rochester to raise \$10,000 for the use of the public schools therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act authorizing G. Hurlbut and others, of the village of Tonawanda, to file their claims for damages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	P. P. Murphy	Rotch
Colvin	Goss	Lawrence	Prosser	Spinola
Connolly	Hammond	McGraw	Richmond	Truman
Ferry	Hillhouse	Montgomery	Robertson	Warner
Fiero	Kelly	Munroe		

23

FOR THE NEGATIVE.

Abell	Grant	Sessions
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The hour of 12 o'clock having arrived, in pursuance of law and of a concurrent resolution heretofore adopted in relation to the election of a Superintendent of Public Instruction, the President left the chair, and with the Senate proceeded to the Assembly chamber, and a ballot having been taken, it appeared that the whole number of votes cast was 134, of which Henry H. Van Dyck received 101, and Henry McClosky received 33.

Whereupon the President declared that Henry H. Van Dyck, having received a majority of all the votes cast, was duly re-elected Superintendent of Public Instruction for the term of three years.

The Senate having returned to the Senate chamber, the President announced the foregoing proceedings to have taken place.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act extending to Oliver A. Field the right to establish and maintain a ferry across

the Hudson river," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act for the better protection of steamboat and other piers in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate, not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hammond	Ramsey	Warner	
Fiero	Grant	Lapham	Spinola		9

FOR THE NEGATIVE.

Bell	Connolly	Lawrence	P. P. Murphy	Richmond	
Blood	Ferry	Montgomery	Prosser	Rotch	
Colvin	Ketcham	Munroe			18

Mr. Fiero moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to prevent frauds in the sale of goods and personal property at auction," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Rotch	
Bell	Grant	Lapham	Prosser	Sessions	
Colvin	Hillhouse	McGraw	Ramsey	Warner	
Connolly	Kelly	Montgomery	Richmond		19

FOR THE NEGATIVE.

Fiero					1
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of Daniel Cameron," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Goes	Hillhouse	McGraw	Ramsey	Rotch	
Hammond	Lawrence	Munroe	Robertson	Warner	10

FOR THE NEGATIVE.

Abell	Connolly	Kelly	Montgomery	Richmond	
Bell	Ferry	Ketcham	P. P. Murphy	Sessions	
Blood	Fiero	Lapham	Prosser	Truman	
Colvin	Grant				17

Mr. Colvin moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	J. M. Murphy	Rotch
Colvin	Grant	Lawrence	Prosser	Spinola
Ferry	Hillhouse	McGraw	Ramsey	Warner
Gardiner	Kelly	Munroe		

18

FOR THE NEGATIVE.

* Abell	Ketcham	P. P. Murphy	Sessions	Truman	5
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The Clerk was again proceeding to the reading of said bill, when Mr. Hammond moved to recommit to the committee reporting it, to retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received and read, from the Assembly, in the words following, to wit :

IN ASSEMBLY, *April 3, 1860.*

The committee of conference appointed with reference to the disagreeing votes of the Senate and Assembly on the bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein," report that frequent conferences have been had upon the subject referred to the committees.

A final meeting was held this day, at which a majority of the Senate conferees (consisting of Messrs. Sessions and Grant, Mr. Murphy dissenting,) submitted the following proposition :

The Senate committee propose to the Assembly committee of conference on the subject of tolling railroads, that the Senate bill shall be so changed as to compel the New York Central railroad to pay, in lieu of tolls, the sum of one million dollars, in equal instalments, during the next four years; the New York and Erie, the same as in the Senate bill, and the sums to be paid by the other roads, so changed that the aggregate paid by all the roads shall be \$1,301,000, and the Central railroad shall be entitled to all the privileges of the other railroads in this State, under the general railroad law of 1850.

W. L. SESSIONS,

R. Y. GRANT.

I dissent from the above proposition, and accept the House bill.

P. P. MURPHY.

The conferees on the part of the House unanimously declined the said proposition, and offered as a counter proposition, the following as a substitute for the bill referred to the committees :

"An act to repeal the act entitled 'An act to abolish tolls on railroads.'"

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. The act entitled "An act to abolish tolls on railroads," passed July 10, 1851, is hereby repealed.

§ 2. All laws, acts, and parts of acts repealed by said act, passed July 10, 1851, are hereby revived, and shall remain in full force.

§ 3. The Central railroad shall be subject to the same tolls that the several railroads now composing said Central railroad, were previous to said 10th day of July, 1851.

§ 4. This act shall take effect immediately.

The said proposition was declined by the majority of the Senate conferees, (consisting of Messrs. Sessions and Grant, Mr. Murphy dissenting); whereupon it was

Resolved, That the committees of conference agree to disagree on the subject referred to therein, and that a report be made accordingly.

PETER P. MURPHY,
of the Senate Committee.

T. T. FLAGLER,
L. D. COLLINS,
M. FINCH,
J. FULTON,
JOHN WILEY,

Committee of the Assembly.

Resolved, That the Assembly insist upon its vote of non-concurrence in the amendments of the Senate to the bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein."

By order,

WM. RICHARDSON, *Clerk.*

Mr. McGraw moved that the Senate recede from its amendments to said bill.

Pending the question on said motion of Mr. McGraw,
On motion of Mr. Warner, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

Mr. Ferry, from the select committee of eight, reported the following entitled bills as proper to be taken from the general orders and recommitted to the standing committees reporting them, with power to report complete, to wit:

"An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms house department therein."

"An act to exempt the county of Oneida from the operation of the 17th section of the act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857."

"An act to amend the several acts in relation to State Prisons."

"An act for the incorporation of the Dyckman Library, of the city of New York."

Also, the following Assembly bills:

"An act to incorporate the Buffalo Agricultural and Industrial Association."

"An act to protect the fish in the several lakes in the town of Freedom, in the county of Cattaraugus."

"An act to authorize the settlement of the claim of the State against the late treasurer of Livingston county, and his sureties."

"An act to amend title 8, of chapter 8, of part 3d of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels.'"

"An act to authorize the common council of the city of Rochester to raise \$10,000 for the use of the public schools therein."

"An act to amend section 4, chapter 425, in relation to agricultural and horticultural purposes, passed April 13, 1855."

"An act to confirm and legalize the resolution of the common council of the city of New York, providing for the extension of the pier south side of pier No. 1, North river."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Atlantic Savings bank of the city of New York," reported in favor of the passage of the same, with amendments.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Rockland County Savings bank, of Rockland," reported in favor of the passage of the same, with amendments.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Richmond, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the construction of a double railroad track on the Ravenswood, Hallet's Cove and Williamsburgh turnpike," reported in favor of the passage of the same.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended, and said bill recommitted to the same committee, to report complete.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to exempt the county of Oneida from the operation of the 17th section of the act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the settlement of the claim of the State against the Treasurer of Livingston county, and his sureties," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and

counties, to which was referred the Assembly bill entitled "An act to protect the fish in the several lakes in the town of Freedom, in the county of Cattaraugus," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act for the incorporation of the Dyckman Library, in the city of New York," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Rochester to raise ten thousand dollars for the use of the public schools therein," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend section 4, chapter 425, in relation to agricultural and horticultural purposes, passed April 13, 1855," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Buffalo Agricultural and Industrial Association," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend title 8 of chapter 8 of part 3d of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels,'" with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to confirm and legalize the resolution of the common council of the city of New York, providing for the extension of the pier south side of pier No. 1, North river," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported in favor of the passage of said bill, with amendments.

Mr. Colvin renewed the amendment offered in committee of the whole, to insert in the sixth section the words "mayors of New York and Brooklyn."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Connolly	Grant	Lawrence	J. M. Murphy	8
Colvin	Gardiner	Kelly			

FOR THE NEGATIVE.

Abell	Hammond	McGraw	Prosser	Rotch	
Bell	Hillhouse	Montgomery	Ramsey	Sessions	
Ferry	Ketcham	Munroe	Richmond	Truman	
Fiero	Lapham	P. P. Murphy	Robertson	Warner	
Goss					21

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	McGraw	Prosser	Rotch	
Bell	Hillhouse	Montgomery	Ramsey	Sessions	
Ferry	Ketcham	Munroe	Richmond	Truman	
Fiero	Lapham	P. P. Murphy	Robertson	Warner	
Goss					21

FOR THE NEGATIVE.

Blood	Connolly	Grant	Lawrence	J. M. Murphy	8
Colvin	Gardiner	Kelly			

Ordered, That said bill be engrossed for a third reading.

Mr. Robertson moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Robertson moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	P. P. Murphy	Rotch	
Bell	Hammond	McGraw	Ramsey	Sessions	
Ferry	Hillhouse	Montgomery	Richmond	Warner	
Fiero	Ketcham	Munroe	Robertson		19

FOR THE NEGATIVE.

Blood	Connolly	Grant	Lawrence	Prosser	
Colvin	Gardiner	Kelly	J. M. Murphy	Truman	10

The President then put the question whether the Senate would agree to said motion of Mr. Robertson, that said bill now have its third reading, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	P. P. Murphy	Robertson	
Bell	Hammond	McGraw	Prosser	Rotch	
Ferry	Hillhouse	Montgomery	Ramsey	Sessions	
Fiero	Ketcham	Munroe	Richmond	Warner	20

FOR THE NEGATIVE.

Blood	Connolly	Grant	Lawrence	J. M. Murphy	
Colvin	Gardiner	Kelly			

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Ramsey	Rotch
Bell	Hammond	Montgomery	Richmond	Sessions
Ferry	Ketcham	Munroe	Robertson	Warner
Fiero	Lapham	P. P. Murphy		

18

FOR THE NEGATIVE.

Bell	Gardiner	Kelly	J. M. Murphy	Spinola
Colvin	Grant	Lawrence	Prosser	Truman
Connolly	Hillhouse			

12

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act authorizing a sale of the whole or a part of the Erie and New York City railroad to the Atlantic and Great Western Railroad company, in New York, and for other purposes," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill referred to the committee on railroads, to report complete.

"An act to incorporate the Southwestern Mining and Land company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act for the more effectual protection of speckled or brook trout in the counties of Queens and Suffolk," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act requiring the commissioners of excise of the county of Munroe to report annually to the board of supervisors of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act to incorporate the Williamsburgh Savings bank,' passed April 9, 1851," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend the charter of the Lorillard Fire Insurance company, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act for the incorporation of fine art associations, and to amend 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," which was read the

first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act incorporating the village of Salem, in the county of Washington, and the several acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to repeal and amend parts of an act entitled 'An act to incorporate the city of Poughkeepsie,' passed March 28, 1854, and the amendments thereto, passed April 12, 1855, and April 14, 1857, and April 2, 1858, for the benefit of the common schools in said city," which was read the first time and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to authorize and require the trustees of school district number 26, in the town of Lysander, Onondaga county, to raise money by tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' so far as relates to the village of Valatie, in the county of Columbia," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act for the preservation of birds and small game upon and around the shores of Luzerne lake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act to incorporate the society for the Reformation of Juvenile delinquents in the city of New York,' passed March 29, 1824," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act relating to the free bridge across the Mohawk river, erected by the Fort Plain and Palatine Free Bridge Association," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to divide the town of Chateaugay, Franklin county, into two election districts,' passed April 9, 1859," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Montgomery, and by unanimous consent, the

rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Rose Juvenile Association in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Rockland County Savings bank, of Rockland," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Atlantic Savings bank, of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same."

"An act to incorporate the Westfield Gas company."

"An act for the relief of Peter Murray."

"An act to provide for the survey and settlement of the boundary line between the States of New York and Connecticut, and for the expenses thereof."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was also received, returning the bills entitled as follows:

"An act to incorporate the Long Island Steamboat company."

"An act to incorporate the Corning Savings bank."

Ordered, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. J. M. Murphy presented seventeen petitions of property owners and residents of the city of New York, in favor of building the new city hall in Madison square, which were read and laid on the table.

By unanimous consent, Mr. Ferry presented a remonstrance against funding the floating debt of the city of Utica, which was read and referred to the committee on the incorporation of cities and villages.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follow:

"An act to provide for the payment to county treasurers of fines collected by Courts of Special Sessions."

"An act authorizing a husband or wife to be examined as witnesses, in certain cases."

"An act authorizing the appointment of three canal appraisers in

the several counties of this State through which the several canals pass."

After some time spent thereon, the President resumed the chair, and Mr. Sessions, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Sessions, from the same committee, reported that they had gone through with the second named bill, and struck out the enacting clause.

The President put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative, and said bill was rejected, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Hillhouse	Lawrence	Richmond	
Ferry	Grant	Ketcham	Munroe	Sessions	
Fiero	Hammond	Lapham	J. M. Murphy	Traman	15

FOR THE NEGATIVE.

Blood	Goss	Montgomery	Prosser	Robertson	
Colvin	Kelly	P. P. Murphy	Ramsey	Spinola	
Connolly					11

Mr. Sessions, from the same committee, reported that they had gone through with the last named bill, and struck out the enacting clause, which report was agreed to and said bill rejected.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the Assembly bill entitled "An act to incorporate the Brooklyn Medical and Surgical Institute," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the Assembly bill entitled "An act relating to insane patients in the Rensselaer County Insane Asylum," reported in favor of the passage of the same.

On motion of Mr. Richmond, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

By unanimous consent, Mr. Lawrence moved that the bill entitled "An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858," be recommitted to the committee on the incorporation of cities and villages, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ketcham, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' passed June 24, 1853, and the amendment thereto, passed July 18, 1853," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to annex the town of Annsville, in the county of Oneida, to the 4th commissioners' school

district of said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the trustees of school district No. 26, in the town of Lysander, Onondaga county, to raise money by tax," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to perfect an amendment to the Constitution, abolishing the property qualification of people of color," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Spinola moved that the Senate resume the consideration of the question pending at the time of taking a recess on the motion to recede from the Senate amendments to the Assembly bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Traman moved that the consideration of said question be made the special order for 11 A. M., to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Ketcham, the Senate adjourned.

WEDNESDAY, APRIL 4, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Estover.

The journal of yesterday was read and approved.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act incorporating the village of Salem, of Washington county, and the several acts amending the same," reported in favor of the passage of the same, with an amendment.

On motion of Mr. Richmond, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the Assembly bill entitled "An act relating to insane patients in the Rensselaer County Insane Asylum," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Attorney General relative to the constitutionality of the bill repeal-

ing the law imposing tolls on the various railroads in this State, reported in favor of the adoption of the following resolution :

Resolved, That there be printed for the use of the Senate, 1,500 extra copies of the report of the Attorney General, relative to the constitutionality of the bill repealing the law imposing tolls on the various railroads in this State.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Munroe, from the committee on State prisons, to which was referred the bill entitled "An act to amend the several acts in relation to State prisons," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act in reference to the University of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act for the relief of Daniel Cameron," reported in favor of the passage of the same.

On motion of Mr. Colvin, the committee of the whole was discharged from the further consideration of said bill, and it was ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to perfect an amendment to the Constitution abolishing the property qualification of people of color," reported in favor of the passage of the same.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Lapham, from a majority of the committee on poor laws, to which was recommitted the bill entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms department therein," with power to report complete, reported the same complete, with amendments.

Mr. Spinola moved to recommit said bill to a select committee of three, to report complete.

Pending the question on said motion of Mr. Spinola,

The hour of 11 o'clock having arrived, the President announced the special order, being the question on receding from the Senate amendments to the Assembly bill entitled as follows :

"An act imposing tolls upon property transported upon certain railroads referred to herein."

Mr. Robertson moved to postpone said special order for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Fiero	Lapham	Munroe	Robertson	Sessions	8
Ketcham	Montgomery	P. P. Murphy			

FOR THE NEGATIVE.

Bell	Ferry	Hammond	McGraw	Rotch	
Blood	Gardiner	Hillhouse	Manierre	Spinola	
Colvin	Goss	Kelly	J. M. Murphy	Truman	
Connolly	Grant	Lawrence	Prosser	Warner	20

The President stated that the question pending was on the motion of Mr. McGraw, that the Senate recede from its amendments to said bill.

Mr. Fiero moved to amend so as to discharge the committee of conference from the further consideration of the subject, and that the President be authorized to appoint a new committee of conference.

Mr. Colvin called for a division of the question.

The President put the question whether the Senate would agree to so much of the motion of Mr. Fiero as relates to discharging the committee of conference, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Montgomery	Prosser	Rotch	
Ferry	Ketcham	Munroe	Ramsey	Warner	
Fiero	McGraw	P. P. Murphy	Richmond		14

FOR THE NEGATIVE.

Abell	Connolly	Hammond	Lapham	Sessions	
Blood	Gardiner	Hillhouse	Manierre	Spinola	
Colvin	Grant	Kelly	J. M. Murphy	Truman	15

Pending debate on the motion of Mr. McGraw that the Senate recede from its amendments to said bill,

The hour of 12 o'clock having arrived, the President announced that the Senate would go into executive session.

Mr. Spinola moved that the executive session be postponed for one hour.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Pending debate on the motion of Mr. McGraw,

Mr. Fiero moved to lay the whole subject on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Richmond	
Bell	Ketcham	Montgomery	Prosser	Rotch	
Ferry	Lapham	Munroe	Ramsey	Warner	
Fiero					16

FOR THE NEGATIVE.

Blood	Gardiner	Hillhouse	Manierre	Sessions	
Colvin	Grant	Kelly	J. M. Murphy	Spinola	
Connolly	Hammond	Lawrence	Robertson	Truman	15

The Assembly returned the bill entitled "An act to incorporate 'The Homœopathic Medical College of the State of New York, in

New York city," with a message that they had receded from their amendment to said bill in which the Senate non-concurred.

Ordered, That the Clerk return said bill to the Assembly.

Mr. Ramsey moved to reconsider the vote postponing executive session for one hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein the doors were opened and legislative business resumed.

The Senate resumed the consideration of the question on the motion of Mr. Spinola to recommit the bill entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms house department therein," to a select committee of three, with power to report complete.

Pending the question,

On motion of Mr. Prosser, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met, and resumed the consideration of the question pending at the hour of taking a recess, on the motion of Mr. Spinola to recommit the bill entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms house department therein," to a select committee of three, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the construction of a double railroad track on the Ravenswood, Hallett's Cove and Williamsburgh turnpike," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act authorizing a sale of the whole or a part of the Erie and New York City Railroad to the Atlantic and Great Western Railroad company, in New York, and for other purposes," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ferry, from the select committee of eight, reported the following entitled bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, with power to report complete, to wit:

"An act to alter and amend the charter of the Homestead Fire Insurance company of the city of New York."

"An act to repeal certain sections of acts heretofore passed re-

lating to allotment of lands among the Seneca Indians, on the Allegany and Cattaraugus Reservations in this State."

Also, the following Assembly bills:

"An act in reference to the University of the city of New York."

"An act to authorize and require the trustees of school district number 26, in the town of Lysander, Onondaga county, to raise money by tax."

"An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river."

"An act to annex the town of Annsville, in the county of Oneida, to the fourth school commissioner's district of said county."

"An act to extend the term of service of the supervisors of Niagara county."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to repeal and amend parts of an act entitled 'An act to incorporate the city of Poughkeepsie,' passed March 28, 1854, and the amendments thereto, passed April 12, 1855, and April 14, 1857, and April 2, 1858, for the benefit of the common schools in said city," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act incorporating the village of Salem, in the county of Washington, and the several acts amending the same," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' so far as relates to the village of Valatie, in the county of Columbia," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act requiring the commissioners of excise of Monroe county, to report to the county treasurer," reported that they had made some amendments thereto, and amended the title so as to read "An act requir-

ing the commissioners of excise of the counties of Monroe and Allegany, to report annually to the board of supervisors of said counties," and in favor of the passage of the same, as amended, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the preservation of birds and small game upon and around the shores of Luzerne lake," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the more effectual protection of speckled or brook trout in the counties of Queens and Suffolk," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to divide the town of Chateaugay, Franklin county, into two election districts,' passed April 9, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to extend the term of service of the supervisors of Niagara county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ketcham, from the committee on insurance companies, to which was referred the bill entitled "An act to alter and amend the charter of the Homestead Fire Insurance company of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Lawrence presented a remonstrance of tax payers of Richmond county, against purchase of site for town hall in Southfield, which was read and laid on the table.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize and require the trustees of school district No. 26, in the town of Lysander, Onondaga county, to raise money by tax," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to annex the town of Annsville, in the county of Oneida, to the fourth school commissioner's district of said county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act in reference to the University of the city of New York," with power to report complete, re-

ported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Bell, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to incorporate the South-western Mining and Land company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on Indian affairs, to which was referred the bill entitled "An act to repeal certain sections of acts heretofore passed, relating to allotment of lands among the Seneca Indians on the Allegany and Cattaraugus Reservations in this State," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to perfect an amendment to the Constitution abolishing the property qualification of people of color," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to alter the commissioner's map of Brooklyn," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

By unanimous consent, Mr. Fiero asked and obtained leave to introduce a bill entitled "An act repealing section 5 of laws of 1848, chapter 319, passed April 12, for the incorporation of benevolent, charitable, scientific and missionary societies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Ketcham asked and obtained leave to introduce a bill entitled "An act to legalize certain notices and other advertisements published in the Albany Evening Journal," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	Munroe	Robertson
Colvin	Goss	Lapham	J. M. Murphy	Sessions
Connolly	Hammond	Lawrence	P. P. Murphy	Spinola
Ferry	Hillhouse	McGraw	Prosser	Warner
Fiero	Kelly	Montgomery		

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Connolly moved that the bill entitled "An act in relation to police and courts in the city of New York," be recommitted to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the appointment of inspectors of election and district canvassers in the city and county of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek, in the county of Chautauqua,' passed April 13, 1857," with power to report complete, reported the same complete.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

By unanimous consent, Mr. Hammond moved that the bill entitled "An act to incorporate the Rose Juvenile Asylum Association in the city of New York," be recommitted to the committee on the judiciary, to report complete.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Rose Juvenile Asylum Association in the city of New York," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent Mr. Manierre moved that the Assembly bill entitled "An act to incorporate the Southwestern Mining and Land company," be recommitted to the committee on manufactures, to report complete.

By unanimous consent, Mr. J. M. Murphy offered the following resolution:

Resolved, (if the Assembly concur,) That this Legislature, as an act of justice to those who on the seas guard the Republic, favor the passage of the bill now before the Congress of the United States, providing for increasing and regulating the pay of the navy of the United States.

Resolved, That the Governor be requested to transmit a copy of this resolution to each of the Representatives in Congress from this State.

Ordered, That said resolution be laid on the table.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to confirm a grant or resolution of the common council of the city of New York, authorizing the construction of a railroad in certain streets and avenues in said city, and to authorize the construction of said railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to amend the act entitled 'An act for the protection of the proprietor or proprietors of Hugg Town pond, in Spencer, Tioga county, in the production and preservation of fish in said pond,' passed April 1, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act for the relief of Samuel Skinner," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to lay out public parks and a parade ground for the city of Brooklyn, and to alter the commissioners' map of said city," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to a select committee, consisting of the Senators from Kings county, to report complete.

"An act to incorporate the Sag Harbor Savings bank," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended, and said bill referred to the committee on banks, to report complete.

"An act for the relief of Benjamin Nott," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act in relation to the surplus waters of the canal at Lockport and the lessees thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize the publication of the Revised Statutes of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to make separate road districts of the second and third election districts of the town of Southfield, and the first and second

election districts of the town of Castleton, in the county of Richmond, and to provide for draining the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of Jacob Warren," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act authorizing the Canal Commissioners to pay for the construction of a bridge across the Oswego canal, in the town of Volney," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to pay to William Wilcox for property taken for public use," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act authorizing a further appropriation to aid in constructing stone piers and otherwise preserving the State bridge across the Sacandaga river, in the town of Hadley, in the county of Saratoga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the protection of the proprietor or proprietors of Young's lake in Florida, Montgomery county, in the production and preservation of fish in said lake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act relating to the support of the poor of Rensselaer county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend the Revised Statutes in respect to county clerks and clerks of courts of record," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to school district number seven, of the town of Cortlandt, county of Westchester, empowering the trustees of said district to extend the time for the payment of loan, and authorizing them to sell part of school site," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act for the construction of a road from the outlet of Branch pond, in lot number nine, in township number nine, McComb's purchase, Great Tract number one, Franklin county, to the Upper Saranac lake, in lot number twenty, in the same purchase," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend and continue the act entitled 'An act to provide for the laying out and construction of a road from the town of Pierrepont, in St. Lawrence county, to the road from Carthage to Lake Champlain,' passed April 16, 1852," which was read the first

time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to divide the Sixth Judicial district of the city of New York," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

"An act for the relief of John Haring," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to change the name of the town of Union, in the county of Monroe, to Bridgeton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend the charter of the village of Herkimer, in relation to the office of the police constable," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act in relation to the Reciprocity bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to enable the Hamilton County Agricultural society to draw one hundred dollars of public money for agricultural purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act authorizing the refunding of certain moneys to Edward H. Edwards," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Harvey Borthwick," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to change the name of Prometheus Benjamin Wager," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the relief of William Johnson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act for the preservation of wild deer, birds and fish," with the following amendments:

Strike out all after the enacting clause, and insert the following.

SECTION 1. No person or persons shall kill, or pursue with intent to kill, any moose, wild deer, or fawn, during the months of January, February, March, April, May, June, and July, or shall expose to sale, or have in his or her possession any green moose,

deer, or fawn skin, or fresh venison, at any time during the months of February, after the fifteenth day thereof, March, April, May, June, and July, under a fine of twenty-five dollars for each deer so killed, and for each green moose, deer, or fawn skin, or fresh venison, so exposed for sale, or had in his possession,

§ 2. No person or persons shall kill or have in his or her possession, or expose for sale, within the State of New York, any woodcock, between the first day of January and the fourth day of July, in each year, or any partridge, or ruffed grouse, between the fifteenth day of January and the first day of September, or any quail, sometimes called Virginia partridge, between the first day of January and the fifteenth day of October, or any wood, black, or teal duck, between the first day of February and the first day of August, in each year, under the fine of two dollars for each and every of said birds so killed or had in possession.

§ 3. No person or persons shall kill any prairie fowl or pinated grouse in the State of New York, within five years from the passage of this act, under a fine of ten dollars for each bird so killed.

§ 4. No person or persons shall, at any time, within this State, catch any quail (sometimes called Virginia partridge), or ruffed grouse, with any trap or snare, under a fine of two dollars for each bird so caught.

§ 5. No person or persons shall, at any time, within this State, kill, cage, or trap any nightingale, nighthawk, bluebird, yellow bird, Baltimore oriole, finch, thrush, lark, sparrow, wren, martin, swallow, or any bird of the species of woodpecker, or other harmless bird; nor shall any person or persons kill, cage, or trap any bobolink, or robin, between the first day of February and the first day of October, in each year, under a fine of fifty cents for each bird so killed, caged, or trapped.

§ 6. No person or persons shall, with intent so to do, catch, or have in his or her possession, or expose for sale within the State of New York, any speckled brook trout, or speckled river trout, or lake trout, between the first day of September and the first day of March, or any salmon trout, or any muscalonge, between the first day of December and the first day of April, in each and every year, under a fine of five dollars for each fish so taken or had in possession.

§ 7. No person or persons shall take any salmon trout, save in the waters of Lake Erie and Lake Ontario, or any speckled brook trout, or speckled river trout, or lake trout, or muscalonge, in any of the waters of this State, at any time, save with a hook and line, under a fine of two dollars for each fish so taken; but this section shall not apply to any persons who shall prove the same was accidentally done in pursuit of a lawful fishery for other fish.

§ 8. No person or persons shall take any fish in any of the fresh water streams, bays or lakes, in the State of New York, with any kind of net or in any other manner, during the months of December, January and February, nor at any time with a net, seine or pike, in that part of the Croton river, in Westchester county, ly-

ing between the track of the Hudson River railroad and the dam of the first wire factory above, nor in any part of the waters of lake Uae-tau-wata, (or Fish lake,) in the town of Granby, in the county of Oswego; nor shall so take at any time any muscalonge, pickerel or pike from the Seneca river, the Canandaigua or Clyde rivers, under a fine of twenty dollars for each offence; but this section shall not apply to any other of the tide waters of this State, nor affect section eight of this act, nor the right to catch suckers.

§ 9. All fines imposed under the provisions of this act, may be recovered before any justice of the peace in this State, with the costs of suit; and said fine, when collected, shall be paid one half to the person making the complaint, and one half to the overseer of the poor, for the use of the poor of the town in which conviction is had; and on non-payment thereof, the defendant shall be committed to the common jail of the county, for a period of not less than five days, and at the rate of one day for each dollar of the amount of the said fine and costs in addition thereto, when the same is over the amount of five dollars.

§ 10. Any person proving that the birds, fish, skins or animals found in his or her possession during the prohibited periods, were killed prior to the prohibited period, or in any place outside of the limits of this State, shall be exempted from the penalties of this act.

§ 11. In all prosecutions under this act, it shall be competent for common carriers, or express companies, to show that the inhibited articles in his or their possession, came into such possession beyond the limits of the State, and such showing shall be sufficient defence in such prosecution.

§ 12. Any person who shall enter the lands or premises of any resident of this State, with any fire-arms or other implements for the purpose of hunting or fishing, contrary to the provisions of this act, shall be deemed guilty of a trespass, and shall upon conviction before any justice of the peace, forfeit and pay for the use of the poor of the county in which such conviction shall be had, the sum of five dollars in addition to the provisions of this act.

§ 13. Any person who shall at any time enter upon any field in which cultivated trees, plants, vines or crops are growing, or into any garden, with any fire-arms, or other implements, for the purpose of hunting, without the consent of the owner or occupant thereof being previously had and obtained, shall be deemed guilty of trespass, and upon conviction thereof, shall pay a fine of ten dollars for the use of the poor of the county in which conviction is had.

§ 14. Nothing contained in this act shall apply to the waters of lakes Erie, Ontario and Champlain, and the rivers of St. Lawrence and Niagara, and the bays thereof, nor to Cayuga or Seneca lake.

§ 15. Chapter five hundred and eleven of the laws of 1859, and all other laws inconsistent with the provisions of this act, are hereby repealed.

§ 16. This act shall take effect on the 15th day of May next.

And amend the title so as to read "An act for the preservation of moose, wild deer, birds and fish."

Mr. Hammond moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Hillhouse	Montgomery	Prosser	
Connolly	Goss	Kelly	Munroe	Richmond	
Ferry	Grant	Lawrence	J. M. Murphy	Robertson	
Fiero	Hammond	Manierre	P. P. Murphy	Spinola	20

FOR THE NEGATIVE.

Lapham	Warner	2
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Robertson offered the following concurrent resolutions:

Whereas, the valuable commerce of our nearest neighbor, the Republic of Mexico, has been diverted from the doors of our own ports to Europe, by the superior sagacity and enterprize of the government of Great Britain, which has long fostered the lines of steam communication to carry that commerce, lost to the United States by the neglect of our government to use the obvious means to secure it to our people; and,

Whereas, the commercial and manufacturing interests of the State of New York would be vastly benefited by the Mexican trade which would flow to the United States on the establishment of proper mail steamship facilities between the two countries, and sustained by a just and proper remuneration on the part of our government; therefore, be it

Resolved, (if the Assembly concur,) That in the opinion of this Legislature, the passage of the bill lately presented to the Congress of the United States, embodying the propositions of Carlos Butterfield, a citizen of the United States, for a contract similar to the one he has already effected with the Mexican government for the establishment of a line of mail and passenger steamers between Mobile or New Orleans and all the gulf ports of the Republic of Mexico from Brazos Santiago to Sisal, would tend directly to give to American bottoms the bulk of that trade, instead of less than one-sixth of it, which they now enjoy, and would insure the introduction into Mexican markets of a vast amount of American products and manufactures.

Resolved, That in view of the importance of the postal and commercial advantages to be derived from the establishment of a regular line of mail steamers as proposed by this bill, our Senators and Representatives in Congress, are respectfully requested and instructed to use all proper efforts to secure its passage by the Congress of the United States.

Ordered, That said resolutions be laid on the table.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act in relation to preferred causes in the Supreme Court and Court of Appeals," with the following amendments:

Insert as section 2, "Appeals which prevent the issuing of letters testamentary or of general administration, shall also have a preference for hearing in the Court of Appeals and in the Supreme Court, over all actions except criminal cases, and may be moved out of their order accordingly."

Change the number of section 2, engrossed bill, to section 3.

Section 2, line 1, engrossed bill, strike out the words "on the first day of April next," and insert in lieu thereof the word "immediately."

Mr. Colvin moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Kelly	Manierre	P. P. Murphy
Colvin	Grant	Ketcham	Montgomery	Prosser
Connolly	Hammond	Lapham	Munroe	Spinola
Gardiner	Hillhouse	Lawrence	J. M. Murphy	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was also received, returning the following entitled bills:

"An act to incorporate 'The Homœopathic College of the State of New York,' in New York city."

"An act to amend and consolidate the several acts relating to the village of Cherry Valley."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act authorizing the incorporation of Rural Cemetery Associations,' passed April 27, 1847," with the following amendments:

Strike out all after section 4, and insert the following:

SEC. 5. Section 5 of the act hereby amended, is amended so as to read as follows:

§ 5. The annual election of trustees, to supply the place of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, and at such hour and place, as the trustees shall direct, at which election shall be chosen such number of trustees as will supply the places of those whose term expires. The trustees chosen at any election subsequent to the first, shall hold their places for three years, and until others shall be chosen to succeed them. The election shall be by ballot, and every person of full age, who shall be proprietor of a lot or plot in the cemetery of the association, containing not less than ninety-six square feet of land, or if there are more than one proprietor of

any such lot or plot, then such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plot, may either in person or by proxy, give one vote for each plot or lot of the dimensions aforesaid, and the persons receiving a majority of all the votes given at such election, shall be trustees to succeed those whose term of office expires. But in all elections after the first, the trustees shall be chosen from among the proprietors of lots or plots. And the trustees shall have power to fill any vacancy in their number, occurring during the period for which they hold their office. Public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe.

§ 6. This act shall take effect immediately.

Mr. Munroe moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Kelly	Montgomery	Ramsey
Colvin	Goss	Ketcham	Munroe	Rotch
Connolly	Hammond	Lapham	J. M. Murphy	Warner
Ferry	Hillhouse	Manierre	Prosser	19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

On motion of Mr. Lawrence, the Senate adjourned.

THURSDAY, APRIL 5, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dyer.

The journal of yesterday was read and approved.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills :

"An act for the relief of John Adamson, of Rochester, Monroe county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of the heirs and legatees of Phineas P. Bates," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to assess certain lands, being lots 54 to 77 inclusive, in the town of Carrolton, and all the lands in the town of Bucktooth, south of the Indian Reservation, to build a bridge across the Alleghany river below the mouth of the Great Valley creek, in said town of Carrolton, near the Tuna lumber company's mill, and to improve

the road each way from said bridge to the main roads connecting therewith in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to authorize the board of supervisors of the county of Kings to build an addition to the lunatic asylum in said county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to provide for the inspection of steam boilers and engines, and their appurtenances, and regulating the use of the same, in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Buffalo,' passed March 23, 1837," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act amendatory of an act entitled 'An act to amend an act entitled 'An act in relation to sewerage and drainage in the city of Brooklyn,' passed April 15, 1859,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act relative to the law school of Columbia College," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county,' passed April 15, 1857, passed April 2, 1859,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to confirm the title of Le Grand Marvin and George L. Marvin to real estate conveyed to them by Alexander Turnbull," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Abell presented a remonstrance of Lester Bradner and oth-

ers, citizens of Dansville, against the passage of the insolvent law, which was read and laid on the table.

Also, a petition of citizens of Allegany county, for the preservation of fish in the waters of the Genesee river, which was read and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Abell asked and obtained leave to introduce a bill entitled "An act for the protection of fish in the waters of the Genesee river, in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to school district number seven, of the town of Cortlandt, county of Westchester, empowering the trustees of said district to extend the time for the payment of loan, and authorizing them to sell part of school site," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prosser, from the committee on canals, to which was referred the Assembly bill entitled "An act authorizing the Canal Commissioners to pay for the construction of a bridge across the Oswego canal, in the town of Volney," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Warner, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the society for the reformation of juvenile delinquents in the city of New York,' passed March 29, 1824," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act for the incorporation of fine art associations, and to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to confirm and legalize the resolution of the common council of the city of New York, providing for the extension of the pier south side of pier No. 1, North river."

"An act to exempt the county of Oneida from the operation of the 17th section of the act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857."

"An act to amend an act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857."

"An act for the incorporation of the Dyckman Library, of the city of New York."

"An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto."

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to alter and amend the charter of the Homestead Fire Insurance company, of the city of New York."

"An act to repeal certain sections of acts heretofore passed relating to allotments of lands among the Seneca Indians on the Allegany and Cattaraugus reservations."

"An act to legalize certain notices and other advertisements published in the Albany Evening Journal."

"An act to incorporate the Steuben Monument Association."

The Assembly bill entitled "An act to incorporate the Union Savings bank of Batavia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Munroe	Robertson
Connolly	Grant	Lawrence	P. P. Murphy	Sessions
Ferry	Hammond	McGraw	Prosser	Spinola
Fiero	Hillhouse	Montgomery		
18				

FOR THE NEGATIVE.

Lapham	Warner	2		
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

The bill entitled "An act for the incorporation of the Dyckman Library of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Connolly	Grant	Lapham	Munroe	Sessions
Ferry	Hammond	Lawrence	P. P. Murphy	Spinola
Fiero	Hillhouse	McGraw	Ramsey	Warner
Goss	Ketcham	Montgomery	Robertson	
19				

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the 'Conqueror Hook and Ladder and Bucket company,' at Tarrytown, Westchester county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Manierre	Richmond
Colvin	Goss	Ketcham	Montgomery	Robertson
Connolly	Grant	Lapham	Munroe	Sessions
Ferry	Hammond	McGraw	P. P. Murphy	19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the Second Associate Congregation of Hebron, to dispose of church property,' passed March 29, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	McGraw	Ramsey
Blood	Fiero	Hillhouse	Manierre	Richmond
Colvin	Goss	Ketcham	Montgomery	Sessions
Connolly	Grant	Lapham	P. P. Murphy	19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," passed April 16, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Munroe	Richmond
Connolly	Grant	McGraw	J. M. Murphy	Sessions
Ferry	Hammond	Montgomery	P. P. Murphy	Spinola
Fiero	Hillhouse			17

FOR THE NEGATIVE.

Blood	Colvin	Lapham	Lawrence	5
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to protect the fish in the several lakes in the town of Freedom, in the county of Cattaraugus," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	McGraw	J. M. Murphy
Blood	Fiero	Hillhouse	Manierre	P. P. Murphy
Colvin	Gardiner	Ketcham	Montgomery	Robertson
Connolly	Goss	Lawrence	Munroe	Sessions
				20

FOR THE NEGATIVE.

Grant

Lapham

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Montgomery	Robertson
Blood	Goss	Lawrence	Munroe	Sessions
Colvin	Grant	McGraw	J. M. Murphy	Spinola
Connolly	Hammond	Manierre	P. P. Murphy	Warner
Fiero	Hillhouse			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the settlement of the claim of the State against the late treasurer of Livingston county, and his sureties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Montgomery	Robertson
Blood	Gardiner	Lawrence	Munroe	Sessions
Colvin	Hammond	McGraw	J. M. Murphy	Spinola
Connolly	Hillhouse	Manierre	P. P. Murphy	Warner
Ferry	Ketcham			

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of Daniel Cameron," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Manierre	P. P. Murphy
Colvin	Grant	Lapham	Montgomery	Robertson
Connolly	Hammond	Lawrence	Munroe	Spinola
Fiero	Hillhouse	McGraw	J. M. Murphy	Warner
Gardiner				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the common

council of the city of Rochester to raise ten thousand dollars for the use of the public schools therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	McGraw	J. M. Murphy
Bell	Fiero	Hillhouse	Manierre	Sessions
Colvin	Goss	Ketcham	Montgomery	Spinola
Connolly	Grant	Lawrence	Munroe	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to amend title 8, of chapter 8, of part 3d of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Fiero	Hillhouse	Manierre	Robertson
Colvin	Gardiner	Ketcham	Montgomery	Sessions
Connolly	Grant	Lapham	Munroe	Truman
Ferry	Hammond	McGraw	J. M. Murphy	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to incorporate the Atlantic Savings bank of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	Manierre	Robertson
Bell	Ferry	Hillhouse	Montgomery	Sessions
Blood	Fiero	Ketcham	Munroe	Truman
Colvin	Grant	Lapham	J. M. Murphy	

19

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to incorporate the Rockland County Savings bank of Rockland," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Montgomery	Robertson
Bell	Goss	Ketcham	Munroe	Sessions
Connolly	Grant	Lawrence	J. M. Murphy	Truman
Ferry	Hammond	Manierre	P. P. Murphy	19

FOR THE NEGATIVE.

Warner 1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The bill entitled "An act to exempt the county of Oneida from the operation of the seventeenth section of the act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Manierre	Munroe	Sessions
Connolly	Fiero	Montgomery	J. M. Murphy	Spinola

10

FOR THE NEGATIVE.

Bell	Grant	Lapham	P. P. Murphy	Truman
Blood	Hillhouse	Lawrence	Robertson	Warner
Goss				11

Mr. Ferry moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the construction of a double railroad track on the Ravenswood, Hallett's Cove and Williamsburgh turnpike," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Spinola
Blood	Fiero	Lapham	J. M. Murphy	Truman
Colvin	Grant	Lawrence	P. P. Murphy	Warner
Connolly	Hammond	Montgomery	Robertson	19

FOR THE NEGATIVE.

Hillhouse 1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act authorizing a sale of the whole or a part of 'The Erie and New York city railroad' to the 'Atlantic and Great Western Railroad company, in New York,' and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Munroe	Sessions
Bell	Grant	Lawrence	J. M. Murphy	Spinola
Blood	Hammond	Manierre	P. P. Murphy	Truman
Connolly	Hillhouse	Montgomery	Robertson	Warner
Fiero	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to repeal and amend parts of an act entitled 'An act to incorporate the city of Poughkeepsie,' passed March 28, 1854, and the amendments thereto, passed April 12, 1855, and April 14, 1857, and April 2, 1858, for the benefit of the common schools in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Munroe	Spinola
Colvin	Grant	Lawrence	P. P. Murphy	Truman
Connolly	Hammond	Manierre	Richmond	Warner
Fiero	Hillhouse	Montgomery	Sessions	

19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act relating to insane patients in the Rensselaer County Lunatic Asylum," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Munroe	Sessions
Blood	Gardiner	Ketcham	J. M. Murphy	Spinola
Colvin	Goss	Lawrence	P. P. Murphy	Truman
Connolly	Grant	Manierre	Richmond	Warner
Ferry	Hammond	Montgomery		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the incorporation of villages," passed December 7, 1847, so far as relates to the village of Valatie, in the county of Columbia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Grant	Ketcham	Prosser	
Blood	Fiero	Hammond	Manierre	Sessions	
Colvin	Gardiner	Hillhouse	Montgomery	Warner	
Connolly	Goss	Kelly	Munroe		19

FOR THE NEGATIVE.

Lawrence	Spinola				2
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate the Buffalo Agricultural and Industrial Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Montgomery	Sessions	
Blood	Gardiner	Kelly	Munroe	Spinola	
Colvin	Goss	Ketcham	P. P. Murphy	Warner	
Connolly	Grant	Lawrence	Prosser		19

FOR THE NEGATIVE.

Truman					1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Manierre	Sessions	
Blood	Gardiner	Kelly	Montgomery	Spinola	
Colvin	Goss	Ketcham	Munroe	Truman	
Connolly	Grant	Lawrence	Prosser	Warner	
Ferry	Hammond	McGraw			28

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of Alson Adams," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Montgomery	Prosser	
Connolly	Hammond	Lawrence	Munroe	Sessions	
Ferry	Kelly	McGraw	J. M. Murphy	Truman	
Fiero	Ketcham	Manierre	P. P. Murphy	Warner	
Gardiner					31

FOR THE NEGATIVE.

Colvin

Spinola

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to alter and amend the charter of the Homestead Fire Insurance company of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Manierre	P. P. Murphy
Blood	Gardiner	Ketcham	Montgomery	Prosser
Connolly	Goss	Lawrence	Munroe	Sessions
Ferry	Hammond	McGraw	J. M. Murphy	Warner

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act incorporating the village of Salem, in the county of Washington, and the several acts amending the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Ketcham	Manierre	Prosser
Blood	Grant	Lapham	Montgomery	Richmond
Ferry	Hammond	Lawrence	Munroe	Sessions
Fiero	Kelly	McGraw	J. M. Murphy	Warner
Gardiner				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The third reading of the bill entitled "An act to amend the several acts in relation to State Prisons," having been announced,

Mr. Lapham moved to recommit said bill to the first committee of the whole.

Mr. Spinola moved that the order of business of third reading of bills be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Ferry moved to amend the motion of Mr. Lapham, so that said bill be made the special order for to-morrow morning, immediately after reading the journal.

Mr. Hammond moved further to amend, so as to make it the special order for Monday next, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Hammond moved to amend, so as to recommit with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Kelly	Lawrence	Spinola	
Blood	Hammond	Lapham	Sessions	Truman	10

FOR THE NEGATIVE.

Bell	Gardiner	McGraw	P. P. Murphy	Robertson	
Connolly	Goss	Manierre	Prosser	Rotch	
Ferry	Hillhouse	Montgomery	Ramsey	Warner	
Fiero	Ketcham	Munroe	Richmond		19

The President put the question whether the Senate would agree to the amendment of Mr. Ferry, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Lapham, as amended, and it was decided in the affirmative.

The bill entitled "An act to repeal certain sections of acts heretofore passed, relating to allotment of lands among the Seneca Indians, on the Allegany and Cattaraugus reservations in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	J. M. Murphy	Robertson	
Blood	Hammond	Lawrence	P. P. Murphy	Rotch	
Connolly	Hillhouse	McGraw	Prosser	Sessions	
Ferry	Kelly	Montgomery	Ramsey	Warner	
Fiero	Ketcham	Munroe	Richmond		24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ferry moved to take from the table to motion to reconsider the vote on the bill entitled "An act to exempt the county of Oneida from the operation of the seventeenth section of the act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	P. P. Murphy	Robertson
Blood	Grant	McGraw	Prosser	Rotch

Connolly	Hillhouse	Manierre	Ramsey	Sessions
Ferry	Hillhouse	Montgomery	Richmond	Truman
Fiero	Kelly	Munroe		

23

FOR THE NEGATIVE.

Lawrence	Warner	
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2

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act to amend section 4, chapter 425, in relation to agricultural and horticultural purposes, passed April 13, 1855," having been announced,

On motion of Mr. Botch, and by unanimous consent, said bill was amended by striking out the words "but no other persons than those owning one or more of such shares, shall be members of such society."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	Montgomery	Botch
Bell	Grant	McGraw	Prosser	Sessions
Ferry	Hammond	Manierre	Richmond	Warner
Fiero	Hillhouse			

17

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The third reading of the Assembly bill entitled "An act to authorize the laying of a double railroad track in the city of Brooklyn and county of Kings, and the town of Newtown, in the county of Queens," having been announced,

Mr. Spinola moved that it be recommitted to the committee on the internal affairs of towns and counties.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Spinola moved that it be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Blood moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Colvin	Fiero	Lawrence	Spinola
Blood	Connolly	Kelly		

8

FOR THE NEGATIVE.

Bell	Hammond	McGraw	Prosser	Botch
Ferry	Hillhouse	Manierre	Richmond	Sessions
Gardiner	Ketcham	Munroe	Robertson	Warner
Goss	Lapham	P. P. Murphy		

18

Mr. Spinola moved that said bill be recommitted to the committee on privileges and elections.

Mr. Spinola was proceeding to debate said motion, when Mr. Robertson raised the point of order that under the ten minute rule the Senator from the third had exhausted his right to speak.

The President decided the point of order well taken.

Mr. Lawrence moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Connolly	Kelly	Lawrence	Spinola	
Colvin	Fiero				7

FOR THE NEGATIVE.

Abell	Goss	Lapham	P. P. Murphy	Robertson	
Bell	Hammond	McGraw	Prosser	Rotch	
Ferry	Hillhouse	Manierre	Ramsey	Sessions	
Gardiner	Ketcham	Munroe	Richmond	Warner	20

Mr. Robertson moved that said bill now have its third reading, without amendment, delay or debate.

Mr. Spinola moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Kelly	Lawrence			3
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FOR THE NEGATIVE.

Abell	Goss	Lapham	Prosser	Rotch	
Bell	Hammond	Manierre	Ramsey	Sessions	
Ferry	Hillhouse	Munroe	Richmond	Warner	
Gardiner	Ketcham	P. P. Murphy	Robertson		19

Mr. Lawrence moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Colvin	Kelly	Spinola		4
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FOR THE NEGATIVE.

Abell	Hammond	McGraw	Prosser	Rotch	
Bell	Hillhouse	Manierre	Ramsey	Sessions	
Ferry	Ketcham	Munroe	Richmond	Warner	
Goss	Lapham	P. P. Murphy	Robertson		19

Mr. Spinola moved to postpone the question on the motion of Mr. Robertson, until the 4th of July next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Kelly	Lawrence	Spinola		4
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FOR THE NEGATIVE.

Abell	Grant	Lapham	P. P. Murphy	Robertson	
Bell	Hammond	McGraw	Prosser	Rotch	
Connolly	Hillhouse	Manierre	Ramsey	Sessions	
Ferry	Ketcham	Munroe	Richmond	Warner	
Gardiner					21

Mr. Spinola moved to amend by striking out the word "immediately," and inserting in lieu thereof "Monday night, at 7 o'clock."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Fiero	Kelly	Lawrence	Spinola	5
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FOR THE NEGATIVE.

Abell	Goss	Lapham	P. P. Murphy	Robertson
Bell	Hammond	McGraw	Prosser	Rotch
Connolly	Hillhouse	Manierre	Ramsey	Sessions
Ferry	Ketcham	Munroe	Richmond	Warner

21

Mr. Spinola moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Connolly	Kelly	Lawrence	Spinola	5
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FOR THE NEGATIVE.

Abell	Goss	Manierre	Prosser	Rotch
Bell	Hammond	Munroe	Ramsey	Sessions
Ferry	Hillhouse	P. P. Murphy	Richmond	Warner
Gardiner	Ketcham			

17

Mr. Blood moved to amend the motion of Mr. Robertson by striking out "immediately" and inserting "to-morrow evening, at 7 o'clock."

Mr. Hammond moved to amend the amendment, so that the final vote be taken "to-morrow, at 12 o'clock."

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Montgomery	Sessions
Blood	Gardiner	Kelly	P. P. Murphy	Spinola
Connolly	Hammond	Lawrence	Rotch	

14

FOR THE NEGATIVE.

Bell	Ketcham	Manierre	Ramsey	Robertson
Ferry	Lapham	Munroe	Richmond	Warner
Goss	McGraw	Prosser		

13

The President then put the question whether the Senate would agree to said motion of Mr. Robertson, as amended, and it was decided in the affirmative.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act in relation to school libraries in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to provide for the payment of the principal and interest of the bonds of the village of Rome, issued to the Ogdensburgh, Clayton and Rome Railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A message from the Assembly was also received, returning the bills entitled as follows:

"An act in relation to preferred causes in the Supreme Court, and Court of Appeals."

"An act to amend the act entitled 'An act authorizing the incorporation of Rural Cemetery Associations,' passed April 27, 1847."

Ordered, That the Clerk deliver said bills to the Governor.

The President announced the appointment of Messrs. Spinola, Munroe and McGraw, as the select committee on the bill entitled "An act to create in the city and county of New York the department of Public Charities and Correction, and to abolish the Alms House department therein."

The President presented a communication from the commissioners of excise of the county of Rensselaer, in reply to a resolution of the Senate, which was laid on the table and ordered printed.

(See Doc. No. 82.)

The President also presented a communication from the board of supervisors of the city and county of New York, in reply to a resolution of the Senate, which was laid on the table and ordered printed.

(See Doc. No. 80.)

On motion of Mr. Rotch, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

Mr. Ferry, from the select committee of eight, reported the following entitled Assembly bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, with power to report complete, to wit:

"An act requiring the commissioners of excise of the counties of Monroe and Allegany, to report annually to the board of supervisors of said counties."

"An act to amend an act entitled 'An act to incorporate the society for the reformation of juvenile delinquents in the city of New York,' passed March 29, 1824."

"An act to amend an act entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' passed June 24, 1853, and the amendment thereto, passed July 18, 1853."

"An act in relation to school district number seven, of the town of Cortlandt, county of Westchester, empowering the trustees of said district to extend the time for the payment of loan, and authorizing them to sell part of school site."

"An act for the incorporation of fine art associations, and to amend 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

"An act for the preservation of birds and small game upon and around the shores of Luzerne lake."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to incorporate the Rose Juvenile Asylum Association in the city of New York,"

The order of business of general orders having been announced, Mr. Ramsey moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Ketcham	Munroe	Ramsey	Rotch
Ferry	Lapham	P. P. Murphy	Richmond	Sessions
Goss	Montgomery	Prosser	Robertson	Warner
Hillhouse				

16

FOR THE NEGATIVE.

Manierre	Spinola	Truman
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3

Mr. Spinola moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Spinola

1

FOR THE NEGATIVE.

Bell	Ketcham	Munroe	Ramsey	Rotch
Ferry	Lapham	P. P. Murphy	Richmond	Sessions
Goss	Manierre	Prosser	Robertson	Warner
Hillhouse	Montgomery			

17

Mr. Spinola presented a remonstrance of the common council of Brooklyn, against a railroad grant to Ira Buckman, Jr. and associates, which was read and laid on the table.

Mr. Spinola moved to refer said memorial to a select committee, consisting of the Senators from the county of Kings, with power to report thereon.

Mr. Ramsey moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Montgomery	Prosser	Rotch
Connolly	Ketcham	Munroe	Ramsey	Sessions
Ferry	Lapham	P. P. Murphy	Robertson	Warner

15

FOR THE NEGATIVE.

Lawrence	Spinola
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2

Mr. Bell presented a petition of voters of the town of Antwerp, for relief to the Antwerp Literary Institute, which was read and referred to the committee on literature.

Mr. Robertson moved to lay the order of business of presentation of petitions on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Montgomery	Ramsey	Rotch
Bell	Ketcham	Munroe	Richmond	Sessions
Colvin	Lapham	P. P. Murphy	Robertson	Warner
Ferry	Manierre	Prosser		

18

FOR THE NEGATIVE.

Connolly	Lawrence	Spinola
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3

Mr. Spinola moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Spinola

1

FOR THE NEGATIVE.

Bell	Fiero	Lawrence	P. P. Murphy	Rotch
Colvin	Goss	Manierre	Prosser	Sessions
Connolly	Ketcham	Montgomery	Richmond	Warner
Ferry	Lapham	Munroe	Robertson	

19

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing a further appropriation to aid in constructing stone piers and otherwise preserving the State bridge across the Sacandaga river, in the town of Hadley, in the county of Saratoga," reported in favor of the passage of the same.

Mr. Spinola moved to recommit said bill to the committee of the whole.

Mr. Prosser moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Hillhouse	Lawrence	P. P. Murphy	Rotch
Connolly	Ketcham	Montgomery	Prosser	Sessions
Fiero	Lapham	Munroe	Robertson	Warner
Goss				

16

FOR THE NEGATIVE.

Colvin	Spinola
--------	---------

2

Mr. Prosser moved to lay the order of business of reports of standing committees on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	P. P. Murphy	Robertson
Bell	Hammond	Montgomery	Prosser	Rotch
Connolly	Hillhouse	Munroe	Ramsey	Sessions
Ferry	Ketcham	J. M. Murphy	Richmond	Warner
Fiero	Lapham			

21

FOR THE NEGATIVE.

Colvin

1

The order of business of reports from select committees having been announced,

Mr. Spinola moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lawrence	J. M. Murphy	Richmond
Bell	Goss	McGraw	P. P. Murphy	Sessions
Colvin	Hillhouse	Manierre	Prosser	Spinola
Connolly	Ketcham	Montgomery	Ramsey	Warner
Ferry	Lapham	Munroe		

23

The order of business of messages from the Assembly having been announced,

Mr. Spinola moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Colvin Connolly Ferry	Fiero Hammond	Hillhouse Ketcham	Manierre Montgomery	Robertson Sessions	11
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FOR THE NEGATIVE.

Abell Bell Goss	Lapham Lawrence McGraw	Munroe J. M. Murphy P. P. Murphy	Prosser Ramsey Richmond	Spinola Truman Warner	15
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A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills :

"An act to abolish capital punishment, and to provide for the more certain punishment of the crime of murder," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the State and county taxes in the county of Rensselaer, for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes," which was read the first time, and by unanimous consent was also read the second time.

Mr. Spinola moved to refer said bill to a select committee, consisting of the Senators from the first, second and third districts.

Mr. Richmond moved to amend, so as to refer said bill to the committee on the internal affairs of towns and counties, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water ; for the extension of the Chenango canal, and for other purposes," with the following amendments :

Sec. 1, line 4, engrossed bill, strike out the words "eleven-twentieths," and insert in lieu thereof, the words "one-half."

Strike out the second section of the bill, being in the words following :

§ 2. The Canal Commissioners shall, without delay, extend the Chenango canal from its present termination at or near the village of Binghamton, down the Susquehanna valley, by the most advantageous route, to the State line near Athens, Pennsylvania, in such manner as to connect the same with the North Branch canal, of Pennsylvania. Said extension shall be let by contract, at the lowest price, with adequate security for its performance, public notice being given of the lettings according to the provisions of law. Said extension shall be of the same width and depth as the completed portion of the Chenango canal, and the plan of mechanical structure, and general character of the work, shall be the same as were adopted in the construction of the Chenango canal, except so far as

improvement in permanency, or otherwise, may be obtained, without increasing the expense, or saving be effected in the expense, without interfering with the usefulness and permanency of the work.

Strike out the last five lines of section 3, being in the words following:

To the construction of the extension of the Chenango canal, one hundred and forty-one thousand one hundred and twenty-nine dollars, one-half thereof from the tax of each of said years.

Strike out the eighth section, being in the words following:

§ 8. The Canal Board are authorized, after the full depth of the Erie, the Oswego and Cayuga, and Seneca canals shall have been attained this spring, to extend the locks on said canals in any manner they deem best so as to insure their capacity to pass boats with one hundred tons more cargo than the present, provided this can be done within the means herein appropriated to the said canals, and provided they deem it for the best interest of the State.

Amend the title by striking therefrom the words "for the extension of the Chenango canal."

Mr. Truman moved to lay said bill on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Ferry	Hammond	Rotch	Spinola	
Colvin	Gardiner	Lawrence	Sessions	Truman	
Connolly	Grant	J. M. Murphy			18

FOR THE NEGATIVE.

Abell	Hillhouse	McGraw	P. P. Murphy	Richmond	
Bell	Ketcham	Montgomery	Prosser	Robertson	
Fiero	Lapham	Munroe	Ramsey	Warner	
Goss					16

Mr. Lapham moved to make the question on concurring in said amendments a special order for to-morrow morning, immediately after reading the journal.

Mr. Truman moved to amend, so as to make said amendments the special order for to-morrow evening, at 7 o'clock.

Mr. Richmond moved further to amend, so as to make said amendments the special order for to-morrow morning, at half-past ten.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Hillhouse	McGraw	Prosser	Rotch	
Fiero	Ketcham	Montgomery	Ramsey	Sessions	
Goss	Lapham	P. P. Murphy	Richmond	Warner	
Hammond					16

FOR THE NEGATIVE.

Abell	Connolly	Grant	J. M. Murphy	Spinola	
Blood	Ferry	Lawrence	Robertson	Truman	
Colvin	Gardiner	Munroe			18

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend an act passed March 10, 1834, entitled 'An act to incorporate the fire department of the city of Hudson,' with the following amendment:

Sec. 1, line 1, after the word "six," insert the words "of the act entitled an act to incorporate the fire department of the city of Hudson."

Mr. Ketcham moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Grant	McGraw	Prosser	Rotch
Colvin	Hammond	Munroe	Ramsey	Sessions
Connolly	Hillhouse	J. M. Murphy	Richmond	Spinois
Fiero	Ketcham	P. P. Murphy	Robertson	Warner
Goss	Lapham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851," with the following amendment :

Add at the end of section 1, the following :

The President of said village, or any trustee thereof, may at any fire require any citizen there present to assist in working the fire engines, and any person refusing to comply with such requirement, shall forfeit such penalty as shall be prescribed by the by-laws or ordinances of the village, not exceeding ten dollars.

Mr. Truman moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	J. M. Murphy	Robertson
Bell	Fiero	McGraw	P. P. Murphy	Rotch
Blood	Goss	Manierre	Prosser	Sessions
Colvin	Hammond	Montgomery	Ramsey	Truman
Connolly	Hillhouse	Munroe	Richmond	Warner

25

Ordered that the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act relating to the overseer of the poor of the city of Rochester," with the following amendments :

Sec. 1, line 1, printed bill, after the word "poor" insert the words "of the county of Monroe, and."

Line 3, same section, strike out the word "him" and insert in lieu thereof the word "them."

Sec. 2, line 1, strike out "he" and insert "they."

Strike out all after sec. 2, and insert as follows : .

§ 3. All excise moneys obtained from licenses in the city of Rochester, shall be paid by the county treasurer to the city treasurer for the relief of the poor of that city, and all excise moneys obtained from licenses in each town in the county of Monroe, shall be paid

by the county treasurer to the overseers of the poor of that town for the relief of the poor.

§ 4. Nothing in this act contained shall prevent the treasurer of the county of Monroe from paying to the New York State Inebriate Asylum the ten per cent now paid to that institution out of such moneys.

§ 6. All acts and parts of acts inconsistent herewith, are hereby repealed.

Mr. Goss moved that the Senate concur in said amendments.

Mr. Spinola moved to amend, so as to refer said amendments to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE NEGATIVE.

Bell	Goss	Ketcham	Montgomery	Prosser
Colvin	Grant	Lapham	Munroe	Ramsey
Connolly	Hammond	McGraw	J. M. Murphy	Rotch
Fiero	Hillhouse	Manierre	P. P. Murphy	Warner
Gardiner	Kelly			

23

The President then put the question whether the Senate would agree to said motion to concur, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Prosser	Rotch
Colvin	Hammond	Manierre	Ramsey	Sessions
Connolly	Hillhouse	Munroe	Richmond	Spinola
Fiero	Kelly	J. M. Murphy	Robertson	Warner
Gardiner	Ketcham	P. P. Murphy		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The order of business of third reading of bills having been announced,

Mr. Prosser moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Ketcham	Munroe	Ramsey	Rotch
Goss	Lapham	J. M. Murphy	Richmond	Sessions
Hammond	Lawrence	P. P. Murphy	Robertson	Warner
Hillhouse	McGraw	Prosser		

18

FOR THE NEGATIVE.

Colvin	Connolly	Grant	Spinola	Truman
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5

Mr. Spinola moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Lawrence				
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1

FOR THE NEGATIVE.

Blood	Gardiner	Lapham	J. M. Murphy	Richmond
Colvin	Goss	McGraw	P. P. Murphy	Rotch
Connolly	Hillhouse	Montgomery	Prosser	Sessions
Fiero	Ketcham	Munroe	Ramsey	Warner

20

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the following entitled bills:

"An act to incorporate the Minstrel Fund Association."

"An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes."

Ordered, That the Clerk return said bills to the Assembly.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to authorize the board of supervisors of the county of Westchester to purchase the Rapelyea or Pelham bridge."

"An act to incorporate the Citizens' Savings bank of the city of New York."

Ordered, That the Clerk deliver said bills to the Governor.

Mr. Prosser offered the following resolution:

Resolved, That there be added to the Senate rules the following, as an additional rule:

The previous question shall be as follows: "Shall the main question now be put," and until it is decided it shall preclude all amendments or debate. When on taking the previous question, the Senate shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments, in their order; and where amendments have been adopted in the committee of the whole, and not acted on in the Senate, the question shall be taken upon the amendments in like order, and without debate or amendment.

Mr. Spinola raised the point of order that said resolution was not in order, previous notice thereof not having been given.

The President decided the point of order not well taken.

Mr. Prosser moved to postpone the consideration of said resolution until 12 o'clock to-morrow.

Mr. Fiero moved to lay the resolution on the table.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Manierre	Ramsey
Blood	Gardiner	Kelly	Montgomery	Richmond
Colvin	Grant	Ketcham	Munroe	Robertson
Connolly	Hammond	Lawrence	J. M. Murphy	Sessions

20

FOR THE NEGATIVE.

Bell	Goss	P. P. Murphy	Prosser	Warner
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5

Mr. Sessions moved to take from the table the report of the committee of conference on the Assembly bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. McGraw, that the Senate recede from its amendments to said bill, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell Ferry	Goss McGraw	Montgomery Munroe	P. P. Murphy Prosser	Richmond Warner	10
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FOR THE NEGATIVE.

Abell	Fiero	Hillhouse	Lawrence	Sessions	
Blood	Gardiner	Kelly	Manierre	Spinola	
Colvin	Grant	Ketcham	J. M. Murphy	Truman	
Connolly	Hammond	Lapham	Robertson		19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate do not recede from its amendments.

Mr. Hammond moved that the bill entitled "An act to authorize the construction of a railroad in certain streets and avenues in the city of New York," be recommitted to the committee on the incorporation of cities and villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. P. P. Murphy offered the following resolution:

Resolved, That a respectful message be sent to the Honorable the Assembly, requesting that body to return to the Senate the Assembly bill entitled "An act to incorporate the Brooklyn Medical and Surgical Institute."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Spinola offered the following resolution:

Resolved, That there be printed and bound 3,000 copies of the maps and profiles accompanying the annual report of the State Engineer and Surveyor, on canals, for 1859, for the members, officers and reporters of this Senate.

Ordered, That said resolution be referred to the committee on public printing.

The Assembly bill entitled "An act for the more effectual protection of speckled or brook trout, in the counties of Queens and Suffolk," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	J. M. Murphy	Rotch	
Blood	Hammond	McGraw	Prosser	Sessions	
Colvin	Hillhouse	Manierre	Ramsey	Truman	
Fiero	Kelly	Munroe	Robertson	Warner	
Goss	Ketcham				22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An

act to divide the town of Chateaugay, Franklin county, into two election districts,' passed April 9, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	J. M. Murphy	Rotch
Blood	Grant	Lapham	Prosser	Sessions
Colvin	Hammond	Montgomery	Ramsey	Truman
Ferry	Hillhouse	Munroe	Robertson	Warner
Fiero	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize and require the trustees of school district number 26, in the town of Lysander, Onondaga county, to raise money by tax," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Grant	Lapham	J. M. Murphy	Robertson
Colvin	Hammond	Lawrence	P. P. Murphy	Rotch
Ferry	Hillhouse	Manierre	Prosser	Sessions
Fiero	Kelly	Montgomery	Ramsey	Warner
Goss	Ketcham	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to extend the term of service of the supervisors of Niagara county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	J. M. Murphy	Rotch
Blood	Grant	Lapham	P. P. Murphy	Sessions
Colvin	Hammond	Manierre	Prosser	Truman
Connolly	Hillhouse	Montgomery	Robertson	Warner
Ferry	Kelly	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the organization and government of the Police force of the city of Albany,'" with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	Lapham	J. M. Murphy	Robertson
Colvin	Grant	Manierre	P. P. Murphy	Spinola
Ferry	Hammond	Montgomery	Prosser	Truman
Fiero	Kelly	Munroe	Ramsey	Warner
Gardiner	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The assembly bill entitled "An act to annex the town of Anns-ville, in the county of Oneida, to the fourth school commissioner's district of said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Colvin	Goss	Kelly	Montgomery	Ramsey
Ferry	Grant	Ketcham	J. M. Murphy	Rotch
Fiero	Hammond	Lapham	P. P. Murphy	Truman
Gardiner	Hillhouse	Manierre	Prosser	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in reference to the University of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Kelly	Manierre	P. P. Murphy
Blood	Goss	Ketcham	Montgomery	Prosser
Colvin	Grant	Lapham	Munroe	Ramsey
Ferry	Hammond	Lawrence	J. M. Murphy	Warner

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the publication of the Revised Statutes of the State of New York," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to police courts in the city of New York," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to assess certain lands, being lots 54 to 77 inclusive, in the town of Carrolton, and all the lands in the town of Bucktooth, south of the Indian Reservation, to build a bridge across the Allegany river, below the mouth of the Great Valley creek, in said town of Carrolton, near the Tuna lumber company's mill, and to improve the road each way from said bridge to the main roads connecting therewith in said towns," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act making the village of Mechanicville a separate road district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 48 of the laws of 1853, entitled 'An act for laying out and constructing a road from the town of Parishville to Long Lake,' passed March 23, 1853, and the acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act for the construction of a road from the outlet of Branch pond, in lot No. 9, in township No. 9, McComb's purchase, Great Tract No. 1, Franklin county, to the Upper Saranac lake, in lot No. 20, in the same purchase," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend and continue the act entitled 'An act to provide for the laying out and construction of a road from the town of Pierrepont, in St. Lawrence county, to the road from Carthage to Lake Champlain,' passed April 16, 1852," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek, in the county of Chautauqua,' passed April 13, 1857," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ketcham, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend an

act entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' passed June 24, 1853, and the amendment thereto, passed July 18, 1853," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Lawrence, the Senate adjourned.

FRIDAY, APRIL 6, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

The President announced the special order, being the bill entitled "An act to amend the several acts in relation to State Prisons."

Mr. Ramsey moved to postpone said special order for half an hour.

Mr. Robertson moved to amend, so as to make said bill the special order for Tuesday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Fiero moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	McGraw	P. P. Murphy	Robertson	
Connolly	Goss	Montgomery	Prosser	Spinola	
Ferry	Ketcham	Munroe	Ramsey	Warner	15

FOR THE NEGATIVE.

Abell	Grant	Kelly	Manierre	Sessions	
Colvin	Hammond	Lapham	J. M. Murphy	Truman	
Gardiner	Hillhouse	Lawrence	Rotch		14

Mr. Munroe moved to amend the motion of Mr. Robertson, so as to make said bill the special order for to-morrow morning, immediately after reading the journal.

Mr. Hammond moved further to amend, so as to make said bill the special order for Tuesday next, at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Munroe, and it was decided in the affirmative.

The President announced the further special order, being the question of agreeing to the Assembly amendments on the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water; for the extension of the Chenango canal, and for other purposes."

Mr. Truman moved to postpone said special order until to-morrow, at half-past 10 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Manierre	J. M. Murphy	Rotch
Colvin	Gardiner	Montgomery	Robertson	Truman
Connolly	Hammond			

12

FOR THE NEGATIVE.

Bell	Hillhouse	Munroe	Ramsey	Sessions
Fiero	Lapham	P. P. Murphy	Richmond	Warner
Goss	Lawrence	Prosser		

13

Mr. Truman moved to postpone said special order until to-morrow, at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lawrence	J. M. Murphy	Rotch
Blood	Grant	Manierre	Ramsey	Spinola
Colvin	Hammond	Montgomery	Robertson	Truman
Ferry	Kelly			

17

FOR THE NEGATIVE.

Bell	Hillhouse	Munroe	Prosser	Sessions
Goss	Ketcham	P. P. Murphy	Richmond	Warner
Fiero	Lapham			

12

The President announced the further special order, being the third reading of the Assembly bill entitled "An act to authorize the laying of a double railroad track in the city of Brooklyn and county of Kings, and the town of Newtown, in the county of Queens."

Said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Rotch
Bell	Hillhouse	Manierre	Prosser	Sessions
Ferry	Ketcham	Montgomery	Richmond	Truman
Fiero	Lapham	Munroe	Robertson	Warner
Gardiner	Lawrence			

22

FOR THE NEGATIVE.

Blood	Grant	Hammond	Kelly	Spinola
Colvin				

6

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act requiring the commissioners of excise of the counties of Monroe and Allegany, to report annually to the board of supervisors of said counties," with power to report complete, reported that they had made some amendment thereto, and amended the title so as to read "An act requiring the commissioners of excise of the several counties of

this State, to report annually to the board of supervisors," and in favor of the passage of the same, as amended, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the preservation of birds and small game upon and around the shores of Luzerne lake," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the protection of the proprietors of Young's lake, in Florida, Montgomery county, for preservation of fish," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of the county of Kings to build an addition to the lunatic asylum in said county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to change the name of the town of Union, in the county of Monroe, to Bridgeton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend the act entitled 'An act for the protection of the proprietor or proprietors of Hugg Town pond, in Spencer, Tioga county, in the production and preservation of fish in said pond,' passed April 1, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act relating to the support of the poor of the county of Rensselaer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to legalize the State and County taxes, in the county of Rensselaer, for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for municipal, state and county taxes," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act in relation to the city hall of New York," with power to report complete, reported the same complete, with amendments,

which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide for the inspection of steam boilers, engines and their appurtenances, and regulation of the use of the same, in the cities of New York and Brooklyn," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the Down Town Association, in the city of New-York," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Buffalo,' passed March 23, 1837," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act relative to the village of Deposit," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Peekskill, to alter the bounds and enlarge the powers of the corporation of said village,' passed March 25, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of Herkimer, in relation to the office of the police constable," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county, passed April 15, 1857,' passed April 2, 1859,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to provide for the payment of

principal and interest on bonds of the village of Rome, issued to the Ogdensburgh and Rome Railroad company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Bell, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to incorporate the South-western mining and land company," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Warner, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the society for the reformation of juvenile delinquents in the city of New York,' passed March 29, 1824," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 135 of the Code of Procedure," reported that they had made several amendments thereto; also amended the title so as to read "An act to amend the Code of Procedure," and in favor of the passage of the same, as amended.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of John Haring," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of the heirs and legatees of Phineas R. Bates," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to the law school of Columbia College," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to change the name of Prometheus Benjamin Wager," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of John Adamson, of Rochester, Monroe county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend the Revised

Statutes in respect to county clerks and clerks of Courts of Record," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the title of Le Grand Marvin and George L. Marvin, to real estate conveyed to them by Alexander Turnbull," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 7 of title 1, chapter 7, part 2 of the Revised Statutes," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage, and to prevent fraudulent voting, passed April 15, 1859," reported that they had made several amendments thereto, and also amended the title so as to read "An act for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage; to prevent fraudulent voting, and to repeal the act of 1859, on the same subject," and in favor of the passage of the same, as amended, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to provide for the improvement of the navigation of the East river," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act authorizing the Brooklyn Central, and Brooklyn and Jamaica Railroad companies to consolidate and continue their roads," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Richmond, from a majority of the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to confirm a grant or resolution of the common council of the city of New York, authorizing the construction of a railroad in certain streets and avenues in said city, and to authorize the construction of said railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from a majority of the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad in 7th avenue and in certain other streets and avenues of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from a majority of the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad in 14th street, and in other streets and avenues in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richmond, from a majority of the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad in Avenue D, East Broadway, and other streets and avenues in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sessions moved that said several bills in relation to railroads in the city of New York, be made the special order for this evening, at 7 o'clock, and that the Senate hold a session for that purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act in relation to police and courts in the city of New York."

Mr. Montgomery, from the committee on public printing, to which was referred the concurrent resolution in relation to codification of laws on highways, ferries and bridges, reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 86.)

Mr. Lawrence, from a majority of the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad in 10th avenue, 42d street, and certain other avenues and streets in the city of New York," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Lawrence, from the committee on claims, to which was referred the Assembly bill entitled "An act authorizing the refunding of certain moneys to Edward H. Edwards," reported in favor of the passage of the same.

Mr. Truman moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lawrence, from the committee on claims, to which was referred the Assembly bill entitled "An act to provide for the relief of William Johnson," reported in favor of the passage of the same.

Mr. Truman moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Spinola, from the committee on banks, to which was referred

the Assembly bill entitled "An act to incorporate the Sag Harbor Savings bank," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act relating to the free bridge across the Mohawk river, erected by the Fort Plain and Palatine Free Bridge Association," reported in favor of the passage of the same.

On motion of Mr. Lapham, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act for the incorporation of fine art associations, and to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813, and the several acts amendatory thereof, passed March 30, 1850," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ketcham, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the Lorillard Fire Insurance company of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ketcham, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the articles of incorporation of the Washington Insurance company of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to school district number seven of the town of Cortlandt, county of Westchester, empowering the trustees of said district to extend the time for the payment of loan, and authorizing them to sell part of school site," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Fiero moved to take from the table the following resolution:

Resolved, (if the Assembly concur,) That the Secretary of State be directed to cause all of the laws of this State, relating to highways, bridges and ferries, to be collected and published in pamphlet form, with such notes and explanations as in his opinion are necessary for the understanding of the same; and that he cause 7,500 copies of the same to be printed, of which he shall distribute one copy to each

county clerk, town clerk, clerk of the board of supervisors, and commissioners of highways, through the clerks of the several counties; and the remaining copies shall be held by him, subject to the direction of the Legislature."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Goss moved to amend by adding thereto the following: "or that he, in his discretion, purchase 2,000 copies of Bishop's work, on the same subject."

Mr. Bell moved further to amend by striking out the words "7,500" and inserting in lieu thereof "5,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President put the question whether the Senate would agree to said motion of Mr. Goss, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to authorize the Genesee County Agricultural society to sell and convey certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to provide against unsafe buildings in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for the support of roads and bridges, and to provide for increased compensation of commissioners of highways and other town officers,' passed April 15, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal sections 5 and 6 of the act entitled 'An act to constitute the village of Green Island a separate road district,' passed April 13, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act authorizing the Albany, Schoharie and Rensselaerville Plankroad company to erect a toll gate on their road, west of the Whitehall road, in addition to their present gates, and to take certain tolls thereat," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Excelsior Bucket company No. 1, in Richmond county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to extend the term of office of constables in the city of New York from one to two years," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to incorporate the Carmanville bridge company of the town of Binghamton," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McGraw, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act to widen Bushwick avenue and other streets in the city of Brooklyn, and to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to provide for the more effectual insurance of school houses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to change the name of 'The Amenia Rural Cemetery,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on charitable and religious societies, to report complete.

"An act to incorporate 'Neptune Engine company, No. 6,' of the village of Tompkinsville, town of Castleton, Richmond county, State of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lawrence, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to amend an act entitled 'An act to facilitate the collection of debts against corporations,' passed March 19, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to schools in the village of Middleport," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to authorize the clerk of the county of Genesee to transcribe so much of the records of Ontario county as relates to lands in the county of Genesee," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to erect a new county from parts of the county of Orange, by the name of Highland county," which was read the first time,

and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

"An act to authorize the construction of a railroad on Long Island, from the village of Huntington to a point on the East river, in the vicinity of Hunter's Point," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to incorporate the Southold Savings bank,' passed April 7, 1858," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on banks, to report complete.

"An act for the relief of Margaret Zapf and Joseph Velkl, heirs of George Enselein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in addition to the act entitled 'An act to incorporate the Hebrew Benevolent Society of the city of New York,' passed February 2, 1832," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act to empower the Congregation B'Nai Jeshurun of the city of New York, to change the number of their trustees, and to alter and protect their cemetery, passed March 12, 1856," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Manierre, from the minority of the committee on the incorporation of cities and villages, to which was referred the several Assembly bills relating to railroads in the city of New York, reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 87.)

By unanimous consent, Mr. Lawrence presented a remonstrance of tax payers of Richmond county, against the erection of a new town in said county, which was read and referred to the committee on the erection and division of towns and counties.

The bill entitled "An act in relation to police and courts in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Hammond	Montgomery	Prosser	Rotch
Colvin	Kelly	Munroe	Ramsey	Sessions
Connolly	Ketcham	J. M. Murphy	Richmond	Spinola
Ferry	Manierre	P. P. Murphy	Robertson	Warner
Gardiner				

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Manierre moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act relative to the law school of Columbia College," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	McGraw	J. M. Murphy	Rotch	
Blood	Goss	Manierre	P. P. Murphy	Truman	
Colvin	Hammond	Montgomery	Ramsey	Warner	
Ferry	Lapham	Munroe	Richmond		19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to erect the town of Benson out of a part of the town of Hope, in the county of Hamilton, and a part of the town of Mayfield, in the county of Fulton."

"An act to constitute school district No. 1, in the town of Salina and county of Onondaga, a free school."

"An act to change the time of holding charter elections in the village of Clyde, in the county of Wayne."

"An act to appoint commissioners for laying out that portion of the city and county of New York, lying north of 155th street, and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the 10th avenue and west of a line fifty feet east of the old Kingsbridge road, and running parallel with said road."

"An act to reduce the capital of the Farmers' Loan and Trust company."

"An act in relation to the Munro Collegiate Institute."

"An act constituting the village of Monticello, in the county of Sullivan, a separate road district, and to extend and enlarge the powers of the officers of said village."

"An act to erect a new county from part of the county of Steuben, to be called the county of Conhocton, and to provide for the holding of the courts therein,"

"An act to release the interest of the State in certain lands of which William Crawford died seized, to Annabella Crawford."

"An act to legalize certain notices and other advertisements published in the Albany Evening Journal."

"An act to empower the Morning Star Lodge, of the Independent Order of Odd Fellows, to hold and convey real estate."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was also received, returning the bill entitled as follows :

"An act for the preservation of moose, wild deer, birds and fish."

Ordered, That the Clerk deliver said bill to the Governor.

A message from the Assembly was also received, informing that they had non-concurred in the passage of the following entitled bill :

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

A message from the Assembly was received, returning the following entitled bills :

"An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

"An act relating to the overseer of the poor of the city of Rochester."

"An act to amend an act passed March 10, 1834, entitled "An act to incorporate the Fire Department of the city of Hudson."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was also received, informing that they had concurred in the passage of the following entitled bills, without amendment :

"An act for the protection of the bridge across the Oswego river, at Minetto, Oswego county."

"An act to authorize the town of Westchester, in the county of Westchester, to build a dock at the end of a new road on Eastchester bay."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills :

"An act to amend the act entitled 'An act to incorporate the village of Yonkers,' passed April 12, 1855, and the act to amend the same and to extend the powers of the corporation of said village, passed April 17, 1857," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to incorporate the Cherry Valley and Spraker's Horse Power Railroad company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Blood, and by unanimous consent, the rule was suspended, and said bill referred to the committee on railroads, to report complete.

"An act to repeal chapter 98, of the laws of 1805, and the subsequent reenactments thereof," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

"An act requiring the justices of the peace in the several towns in Monroe county, and the police justices in the city of Rochester, to report annually to the board of supervisors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to abolish capital punishment, and to provide for the more certain punishment of the crime of murder," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Margaret Zapf and Joseph Velkl, heirs of George Enselein," reported in favor of the passage of the same," and said bill was committed to the committee of the whole.

Mr. Ferry, from the select committee of eight, reported the following entitled Assembly bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, with power to report complete, to wit:

"An act to change the name of the town of Union, in the county of Monroe, to Bridgeton."

"An act for the relief of John Adamson, of Rochester, Monroe county."

"An act to amend the act entitled 'An act for the protection of the proprietor or proprietors of Hugg Town pond, in Spencer, Tioga county, in the production and preservation of fish in said pond,' passed April 1, 1859."

"An act for the construction of a road from the outlet of Branch pond, in lot number 9, in township number 9, McComb's purchase, Great Tract number 1, Franklin county, to the Upper Saranac lake, in lot number 20, in the same purchase."

"An act relative to the village of Deposit."

"An act for the relief of John Haring."

"An act for the relief of the heirs and legatees of Phineas P. Bates."

"An act making the village of Mechanicville a separate road district."

"An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Buffalo,' passed March 23, 1837."

"An act to confirm the title of Le Grand Marvin and George L. Marvin to real estate conveyed to them by Alexander Turnbull."

"An act to amend and continue the act entitled 'An act to provide for the laying out and construction of a road from the town of Pierrepont, in St. Lawrence county, to the road from Carthage to Lake Champlain,' passed April 16, 1852."

"An act to amend the articles of incorporation of the Washington Insurance company of the city of New York."

"An act to amend the charter of the Lorillard Fire Insurance company of the city of New York."

"An act to amend the act entitled 'An act to amend the act entitled 'An act to provide for the incorporation of religious societies, passed April 5, 1813, and the several acts amendatory thereof,' passed March 30, 1850.'"

"An act to authorize the publication of the Revised Statutes of the State of New York."

"An act to change the name of Prometheus Benjamin Wager."

"An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county, passed April 15, 1857,' passed April 2, 1859.'"

Also the following Senate bills:

"An act to incorporate the village of White Plains."

"An act to provide for the improvement of the navigation of the East river."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

Mr. Goss presented a remonstrance of citizens of the town of Union, against changing the name of said town, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Hammond, from the committee of the judiciary, to which was referred the Assembly bill entitled "An act for the relief of John Haring," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of the heirs and legatees of Phineas Bates," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the publication of the Revised Statutes of the State of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to change the name of Prometheus Benjamin Wager," with power to report complete,

reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of John Adamson, of Rochester, Monroe county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the title of Le Grand Marvin and George L. Marvin to real estate conveyed to them by Alexander Turnbull," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend the Code of Procedure," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 98 of laws of 1805, and the subsequent reenactments thereof," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Hammond, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to facilitate the collection of debts against corporations,' passed March 19, 1852," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to change the name of the American Rural Cemetery," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to provide for the incorporation of religious societies, passed April 5, 1813, and the several acts amendatory thereof,' passed March 30, 1850," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act for the protection of the proprietor or proprietors of Hugg Town pond, in Spencer, Tioga county, in the production and preservation of fish in said pond,' passed April 1, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ketcham, from the committee on insurance companies, to

which was referred the Assembly bill entitled "An act to amend the charter of the Lorillard Fire Insurance company of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ketcham, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the articles of incorporation of the Washington Insurance company of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Buffalo,' passed March 23, 1837," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the village of Cleveland, Oswego county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act relative to the village of Deposit," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to provide for the improvement of the navigation of the East river," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act for the construction of a road from the outlet of Branch Pond, in lot No. 9, in township No. 9, McComb's purchase, Great Tract No. 1, Franklin county, to the Upper Saranac lake, in lot No. 20, in the same purchase," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act making the village of Mechanicville a separate road district," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend and continue the act entitled 'An act to provide for the laying out and construction of a road from the town of Pierrepont, in St. Lawrence

county, to the road from Carthage to Lake Champlain,' passed April 16, 1852," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the several Assembly bills relating to the construction of railroads in the city of New York, entitled as follows:

"An act to authorize the construction of a railroad in Seventh avenue, and in certain streets of the city of New York."

"An act to authorize the construction of a railroad in Fourteenth street, and in other streets of the city of New York."

"An act to authorize the construction of a railroad in avenue D, East Broadway, and other streets of the city of New York."

"An act to confirm a grant or resolution of the common council of the city of New York, authorizing the construction of a railroad in certain streets and avenues in said city, and to authorize the construction of said railroad."

"An act to authorize the construction of a railroad in Tenth avenue, Forty-second street, and certain other avenues and streets of the city of New York."

After some time spent thereon, the President resumed the chair, and Mr. Lawrence, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to, and said bills ordered to a third reading.

By unanimous consent, Mr. Hammond moved that the bill entitled "An act to amend the several acts in relation to State Prisons," be recommitted to the same committee, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to divide the sixth judicial district of the city of New York," reported in favor of the passage of the same.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended, and said bill recommitted to the same committee, to report complete.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act relating to the free bridge across the Mohawk river, erected by the Fort Plain and Palatine Free Bridge Association," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, requesting the concurrence of the Senate to the following resolution:

Resolved, (if the Senate concur,) That there be printed of the Transactions of the American Institute, for the year 1859, 20 copies for each member, officer and reporter of the Legislature; 500 copies for the said Institute; 20 copies for each county agricultural society in counties electing one member of Assembly, and a proportionate

additional number in counties electing more than one member of Assembly; 10 copies for each town agricultural society; and 50 copies for the Regents of the University, for exchanges; and that said report be printed and bound in the same manner as last year.

Ordered, That said resolution be laid on the table.

On motion of Mr. Bell, the Senate adjourned.

SATURDAY, APRIL 7, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dickson.

On motion of Mr. Lawrence, the reading of the journal of yesterday was dispensed with.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the preservation of fish in Blodgett's pond, so called, in the town of Wethersfield, in the county of Wyoming, New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act requiring the justices of the peace in the several towns in Monroe county, and the police justices in the city of Rochester, to report annually to the board of supervisors," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate Excelsior Bucket company, number 1, in Richmond county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the clerk of the county of Genesee to transcribe so much of the records of Ontario county as relates to lands in the county of Genesee," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from a majority of the committee on the internal affairs of towns and counties, to which was referred the several petitions praying for an amendment of the Constitution, so as to prohibit the sale of intoxicating liquors, reported in writing, accompanied by the following concurrent resolutions, amending the Constitution so as to prohibit the sale of intoxicating liquors as a beverage:

Resolved, (if the Assembly concur,) That the Constitution of this State be amended as follows:

The sale of intoxicating liquors as a beverage is hereby prohibited, and no law shall be enacted or be in force after the adoption of this

amendment, to authorize such sale ; and the Legislature shall by law, prescribe the necessary fines and penalties for any violation of this provision.

Resolved, (if the Assembly concur,) That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

Said report was laid on the table and ordered printed.

(*See Doc. No. 81.*)

Mr. Lawrence, from the committee on claims, to which was referred the Assembly bill entitled "An act in relation to the surplus water of the canal at Lockport, and the lessees thereof," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to divide the sixth judicial district of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe, from the committee on State prisons, to which was referred the bill entitled "An act to amend the several acts in relation to State prisons," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to extend the term of office of constables in the city of New York, from one to two years," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to incorporate Neptune Engine company, No. 6, of the village of Tompkins, town of Castleton, Richmond county, State of New-York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the Down Town Association in the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to alter the map of the late village of Williamsburgh, now city of Brooklyn, by striking out a part of a street," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to authorize the Genesee

County Agricultural Society to sell and convey certain real estate," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Southold Savings bank,' passed April 7, 1858," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act to incorporate the Cherry Valley and Spraker's Horse Power Railroad company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to revise the charter of the city of Oswego."

"An act to perfect an amendment of the Constitution abolishing the property qualification of people of color."

A message from the Assembly was received, informing that they had concurred in the amendment of the Senate to the concurrent resolution relative to publishing the laws relating to highways, bridges, ferries, &c.

Ordered, That the Clerk return said resolution to the Assembly.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855," with the following amendment:

Line 1, section 1, strike out the words "said act shall," and insert in lieu thereof the words "the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855."

Mr. Grant moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lawrence	Munroe	Richmond
Bell	Hammond	McGraw	J. M. Murphy	Robertson
Connolly	Hillhouse	Manierre	P. P. Murphy	Spinola
Ferry	Kelly	Montgomery	Prosser	Warner
Fiero	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. J. M. Murphy, from the committee on literature, to which was referred the Assembly bill entitled "An act for loaning certain moneys to the Antwerp Liberal Literary Institute, at Antwerp, Jefferson county," reported in favor of the passage of the same.

On motion of Mr. Bell, and by unanimous consent, the rule was

suspended, and said bill recommitted to the committee on literature, to report complete.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to facilitate the construction of the Albany and Susquehanna railroad," with the following amendments:

Section 1, lines 3 and 4, engrossed bill, strike out the words "and one thousand eight hundred and sixty-one."

Line 5, same section, strike out the words "three-eighths" and insert in lieu thereof the words "one-quarter."

Same line, strike out the words "for each year."

Line 2, same section, strike out the words "each of."

Same line, strike out the word "years" and insert "year."

Lines 8 and 9, same section, strike out the words "for each of said fiscal years."

Strike out all after the word "whatever" in line 5, of section 4."

Mr. Ramsey moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	McGraw	Ramsey	Spinola
Colvin	Grant	Manierre	Robertson	Truman
Connolly	Hillhouse	J. M. Murphy	Rotch	Warner
Gardiner	Kelly	P. P. Murphy		

18

FOR THE NEGATIVE.

Abell	Fiero	Lapham	Montgomery	Prosser
Bell	Hammond	Lawrence	Munroe	Sessions
Ferry	Ketcham			

12

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Munroe, from a majority of the select committee to which was referred the bill entitled "An act to create in the city and county of New York the department of public charities and corrections, and to abolish the alms house department therein," with power to report complete, reported the same complete, with sundry amendments.

Mr. Spinola moved to recommit said bill to the committee on poor laws, with power to report complete.

Mr. Colvin moved to amend, so as to recommit, with power to sit during the recess, and to send for persons and papers.

Pending the question on the motion of Mr. Colvin,

The hour of 12 o'clock having arrived, the President announced the special order, being the question of agreeing to the Assembly amendments to the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water; for the extension of the Chenango canal, and for other purposes."

Mr. Spinola moved to postpone said special order for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Colvin, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	Lawrence	Ramsey	
Blood	Gardiner	Hillhouse	Manierre	Spinola	
Colvin	Grant	Kelly	J. M. Murphy	Truman	15

FOR THE NEGATIVE.

Bell	Montgomery	Prosser	Robertson	Sessions	
Ketcham	Munroe	Richmond	Rotch	Warner	
McGraw					11

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled as follows:

"An act to incorporate the Kings County Savings Institution."

Ordered, That the Clerk return said bill to the Assembly.

The bill entitled "An act to revise the charter of the city of Oswego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	J. M. Murphy	Sessions	
Bell	Fiero	Kelly	Prosser	Spinola	
Blood	Goss	Lapham	Ramsey	Truman	
Colvin	Grant	Montgomery	Richmond	Warner	
Connolly	Hammond	Munroe	Rotch		24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Ramsey	Sessions	
Colvin	Grant	Manierre	Robertson	Spinola	
Connolly	Hammond	J. M. Murphy	Rotch	Truman	15

FOR THE NEGATIVE.

Bell	Ferry	Hillhouse	McGraw	Munroe	
Blood	Goss	Lawrence	Montgomery	Prosser	10

Mr. J. M. Murphy moved to reconsider, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The hour of half-past 12 having arrived, the President announced the special order, being the question of concurring in the Assembly

amendments to the bill entitled "An act to provide the means for the completion of the canals of this State, and fully supply them with water; for the extension of the Chenango canal, and for other purposes."

The President stated the pending question to be on the motion of Mr. Lapham, that the Senate concur in said amendments.

Mr. Hammond called for a division of the question.

The President put the question whether the Senate would agree to that part of said amendments striking out the words "eleven-twentieths," and inserting "one-half," and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Munroe	Ramsey	Rotch	
Bell	Ketcham	P. P. Murphy	Richmond	Sessions	
Fiero	Lapham	Prosser	Robertson	Warner	
Goss	Montgomery				17

FOR THE NEGATIVE.

Blood	Ferry	Hammond	Manierre	Spinola	
Colvin	Gardiner	Lawrence	J. M. Murphy	Truman	
Connolly	Grant	McGraw			13

The President put the question whether the Senate would agree to so much as relates to striking out the second section of the bill, and a part of the third, relating to the extension of the Chenango canal, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Munroe	Ramsey	Rotch	
Bell	Ketcham	P. P. Murphy	Richmond	Sessions	
Fiero	Lapham	Prosser	Robertson	Warner	
Goss	Montgomery				17

FOR THE NEGATIVE.

Colvin	Grant	Lawrence	Manierre	Spinola	
Ferry	Hammond	McGraw	J. M. Murphy	Truman	
Gardiner	Kelly				12

The President put the question whether the Senate would agree to so much as strikes out the 8th section, relating to lengthening the locks on the Erie canal, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Robertson	
Bell	Goss	Lawrence	P. P. Murphy	Rotch	
Colvin	Grant	McGraw	Prosser	Sessions	
Connolly	Hillhouse	Montgomery	Ramsey	Warner	
Ferry	Ketcham	Munroe	Richmond		24

FOR THE NEGATIVE.

Blood	Hammond	Kelly	Manierre	Spinola	6
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The President then put the question whether the Senate would agree to so much as relates to amending the title, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Lawrence	J. M. Murphy	Robertson	
Bell	Kelly	McGraw	P. P. Murphy	Rotch	
Connolly	Ketcham	Montgomery	Prosser	Sessions	
Fiero	Lapham	Munroe	Richmond	Warner	
Goss					21

FOR THE NEGATIVE.

Colvin	Ferry	Grant	Spinola		4
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Hammond moved to reconsider the vote concurring in the Assembly amendments to the bill entitled "An act to facilitate the construction of the Albany and Susquehanna railroad," and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ketcham	Lawrence	J. M. Murphy	Sessions	
Ferry	Lapham	Montgomery	Prosser	Truman	
Hammond					11

FOR THE NEGATIVE.

Blood	Gardiner	Kelly	P. P. Murphy	Rotch	
Colvin	Goss	McGraw	Ramsey	Spinola	
Connolly	Hillhouse	Munroe	Robertson	Warner	
Fiero					16

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Montgomery	Sessions	
Bell	Hammond	Lawrence	Prosser	Truman	
Ferry	Ketcham				12

FOR THE NEGATIVE.

Blood	Goss	Manierre	P. P. Murphy	Rotch	
Colvin	Hillhouse	Munroe	Ramsey	Spinola	
Connolly	McGraw	J. M. Murphy	Robertson	Warner	
Gardiner					16

A message from the Assembly was received, returning the following entitled bills :

"An act to facilitate the construction of the Albany and Susquehanna railroad."

"An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855."

"An act to provide the means for the completion of the canals of this State, and fully supply them with water, and for other purposes."

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Goss, the Senate adjourned.

MONDAY, APRIL 9, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of Saturday, was read and approved.

Mr. Colvin presented two petitions of citizens of Montgomery co., for the abolition of capital punishment, which were read and committed to the committee of the whole.

Mr. Ferry presented two petitions on the same subject, which were read and committed to the committee of the whole.

Mr. Rotch presented two petitions on the same subject, which were read and committed to the committee of the whole.

By unanimous consent, Mr. Colvin moved that the Assembly bill entitled "An act to abolish capital punishment, and to provide for the more certain punishment of the crime of murder," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Warner moved that the Assembly bill entitled "An act authorizing the Canal Commissioners to pay for the construction of a bridge across the Oswego canal, in the town of Volney," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Abell moved that the Assembly bill entitled "An act to divide the county of Allegany into two jury districts, and to provide for holding courts in and for said county alternately, in each of said districts," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. J. M. Murphy, from the committee on literature, to which was referred the Assembly bill entitled "An act for loaning certain monies to the Antwerp Liberal Literary Institute, at Antwerp, Jefferson county," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. J. M. Murphy, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to school district No. 2, of West Farms, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to school libraries in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to provide for the more effectual insurance of school houses," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to change the name of the town of Union, in the county of Monroe,

to Bridgeton," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in addition to the act entitled 'An act to incorporate the Hebrew Benevolent Society of the city of New York,' passed February 2, 1832," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act to empower the congregation B'Nai Jeshurun of the city of New York, to change the number of their trustees, and to alter and protect their Cemetery," passed March 12, 1856," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Samuel Skinner," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act authorizing the Brooklyn Central, and the Brooklyn and Jamaica Railroad companies to consolidate and continue their roads," with power to report complete, reported the same complete, with amendments.

Mr. Spinola moved to recommit said bill to a select committee, consisting of Senators from Kings county, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Abell, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to railroad corporations,' passed February 13, 1851," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad on Long Island, from the village of Huntington to a point on the East river, in the vicinity of Hunter's Point," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Spinola, from the select committee consisting of the Senators from the county of Kings, to which was referred the Assembly bill entitled "An act to lay out a public park and a parade ground for the city of Brooklyn, and to alter the commissioner's map of the city," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Robertson	Spinola
Blood	Grant	J. M. Murphy	Rotch	Truman
Colvin	Kelly	Prosser	Sessions	Warner
Fiero	Lapham			

17

FOR THE NEGATIVE.

Bell	McGraw	Munroe	P. P. Murphy
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4

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek, in the county of Chautauqua,' passed April 13, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Sessions
Bell	Grant	Montgomery	Prosser	Spinola
Colvin	Kelly	Munroe	Robertson	Truman
Ferry	Lapham	J. M. Murphy	Rotch	Warner

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county, passed April 15, 1857,' passed April 2, 1859,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Sessions
Bell	Goss	Montgomery	Prosser	Spinola
Blood	Grant	Munroe	Robertson	Truman
Colvin	Kelly	J. M. Murphy	Rotch	Warner
Ferry	Lapham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the preservation of birds and small game upon and around the shores of Luzerne lake," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	J. M. Murphy	Sessions
Blood	Goss	McGraw	P. P. Murphy	Spinola
Colvin	Grant	Montgomery	Prosser	Truman
Ferry	Kelly	Munroe	Rotch	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' passed June 24, 1853, and the amendment thereto, passed July 18, 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	McGraw	J. M. Murphy	Rotch
Blood	Goss	Montgomery	P. P. Murphy	Sessions
Colvin	Grant	Munroe	Prosser	Warner
Ferry	Kelly			

17

FOR THE NEGATIVE.

Lapham				
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1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The third reading of the Assembly bill entitled "An act requiring the commissioners of excise of the several counties of this State, to report annually to the boards of supervisors," having been announced,

On motion of Mr. Prosser, and by unanimous consent, said bill was amended by striking out the words "ten days" in the first section, and inserting in lieu thereof the words "five days."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Munroe	Rotch
Bell	Fiero	Lapham	J. M. Murphy	Sessions
Blood	Goss	McGraw	P. P. Murphy	Truman
Colvin	Grant	Montgomery	Prosser	Warner

20

Ordered, That the Clerk return said bill to the Assembly; with a message informing that the Senate have passed the same, with amendments.

By unanimous consent, Mr. Spinola offered the following resolution:

Resolved, That the Assembly bill entitled "An act to amend an act to empower the Congregation B'Nai Jeshurun of the city of New York, to change the number of their trustees, and to alter and protect their cemetery, passed March 12, 1856," be recommitted to the committee on charitable and religious societies, with power to report complete.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the board of supervisors of the county of Kings to build an addition to the Lunatic Asylum in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Sessions
Bell	Goss	McGraw	Prosser	Spinola
Blood	Grant	Montgomery	Robertson	Truman
Colvin	Kelly	Munroe	Rotch	Warner
Ferry				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Peekskill, to alter the bounds and enlarge the powers of the corporation of said village,' passed March 26, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Sessions
Bell	Goss	McGraw	Prosser	Spinola
Blood	Grant	Montgomery	Robertson	Truman
Colvin	Kelly	Munroe	Rotch	Warner
Ferry				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the president and trustees of the village of Rome to subscribe and pay for stock in a corporation organized or to be organized for the construction of a railroad from the river St. Lawrence, through the county of Lewis, to the village of Rome," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative.

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Sessions
Bell	Goss	Montgomery	Prosser	Spinola
Blood	Grant	Munroe	Robertson	Truman
Colvin	Kelly	J. M. Murphy	Rotch	Warner
Ferry	Lapham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the society for the reformation of juvenile delinquents in the city of New York,' passed March 29, 1824," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Sessions
Bell	Goss	Montgomery	Prosser	Spinola
Blood	Grant	Munroe	Robertson	Truman
Colvin	Kelly	J. M. Murphy	Rotch	Warner
Ferry	Lapham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate the Cherry Valley and Spraker's Horse Power Railroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	P. P. Murphy	Sessions
Blood	Grant	Montgomery	Prosser	Spinola
Colvin	Kelly	Munroe	Robertson	Truman
Ferry	Lapham	J. M. Murphy	Rotch	Warner
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to incorporate the Southwestern Mining and Land company," having been announced,

Mr. Spinola moved that said bill be recommitted to the committee of the whole, with instructions to amend by striking out the name of "Simeon Draper."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Spinola moved to recommit said bill, with instructions to amend by striking out the words "\$3,000,000," and inserting in lieu thereof "\$500,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	J. M. Murphy	Spinola	Truman	8
Colvin	Kelly	Rotch			

FOR THE NEGATIVE.

Abell	Fiero	Munroe	Richmond	Sessions	
Bell	Lapham	P. P. Murphy	Robertson	Warner	13
Ferry	McGraw	Prosser			

Mr. Spinola moved to recommit said bill, with instructions to amend by striking out "\$3,000,000," and inserting in lieu thereof "\$750,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Kelly	J. M. Murphy	Spinola	Truman	6
Goss					

FOR THE NEGATIVE.

Bell	McGraw	P. P. Murphy	Robertson	Sessions	
Ferry	Montgomery	Prosser	Rotch	Warner	13
Fiero	Munroe	Richmond			

Mr. Spinola moved to recommit said bill, with instructions to amend by striking out the words "in the States and Territories of the United States," in the second section of said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Prosser	Rotch	
Bell	Ketcham	Munroe	Richmond	Sessions	
Ferry	Lapham	P. P. Murphy	Robertson	Warner	17
Fiero	McGraw				

FOR THE NEGATIVE.

Blood	Grant	Kelly	J. M. Murphy	Spinola	5
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit :

ALBANY, April 9, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit :

April 2. "An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester,

Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester "

April 2. "An act to legalize the acts of the board of education of school district No. 7, in the town and county of Niagara, and to define the limits of said district."

3. "An act relating to street railways in the city of Buffalo."
3. "An act to provide for the opening of East New York avenue, in the county of Kings."
3. "An act to allow the Union turnpike company, in the county of Columbia, to abandon a portion of their road, and to regulate the rates of toll on the remaining portion."
3. "An act to provide for the election of officers of the village of Pike, in the county of Wyoming, and for other purposes."
3. "An act giving to the purchaser or purchasers of the property and franchises of the Buffalo and Batavia plank-road company all the corporate rights and franchises of said company on a sale by the Receiver."
3. "An act to incorporate the People's savings bank of Dutchess county."
3. "An act to release the interest of the State in lands acquired by escheat to Joseph Prair, otherwise called Joseph Prieur."
3. "An act to amend section 22 of article 2 of title 5, chapter 6, of the third part of the Revised Statutes."
3. "An act to amend an act entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857."
3. "An act to amend an act to incorporate the Atlantic dry dock company, passed May 6, 1840."
3. "An act in relation to bale hay and hay scales."
3. "An act in relation to the New York State Agricultural College."
3. "An act relative to lands devised by Augustus Van Cortlandt, deceased."
4. "An act to provide for the survey and settlement of the boundary line between the States of New York and Connecticut, and for the expenses thereof."
4. "An act relating to the foreclosure and sale of the New York and Erie railroad."
4. "An act to provide for taking testimony to be used in certain cases."
4. "An act for the relief of Peter Murray."
5. "An act to amend the act entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847."
5. "An act to enable James Doig to take, hold and convey real estate, and to confirm the title of real estate in said Doig."

- April 5. "An act authorizing the sale of lands devised by Samuel Norsworthy, deceased."
5. "An act to incorporate the Citizens' savings bank of the city of New York."
 5. "An act in relation to preferred causes in the Supreme Court and Court of Appeals."
 5. "An act to authorize the board of supervisors of the county of Westchester to purchase the Rapelyea or Pelham bridge."
 5. "An act to amend and consolidate the several acts relating to the village of Cherry Valley."
 5. "An act to enable the Rensselaer County Agricultural Society to sell its real estate, and change its name."
 5. "An act to incorporate the Corning savings bank."
 6. "An act to incorporate the Westfield gas company."
 6. "An act in relation to proceedings to compel the determination of claims to real property, in certain cases."
 6. "An act to legalize certain notices and other advertisements published in the Albany Evening Journal."
 6. "An act to change the time of holding charter elections in the village of Clyde, in the county of Wayne."
 6. "An act to release the interest of the State in certain lands of which William Crawford died seized, to Annabella Crawford."
 6. "An act in relation to the Munro collegiate institute."
 6. "An act to erect the town of Benson out of a part of the town of Hope, in the county of Hamilton, and a part of the town of Mayfield, in the county of Fulton."
 6. "An act to empower the Morning Star Lodge, of the Independent order of Odd Fellows, to hold and convey real estate."
 6. "An act constituting the village of Monticello, in the county of Sullivan, a separate road district, and to extend and enlarge the powers of the officers of said village."
 6. "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9th, 1851."
 6. "An act to amend an act passed March 10, 1834, entitled 'An act to incorporate the fire department of the city of Hudson.'"
 6. "An act relating to the overseer of the poor of the city of Rochester."
 6. "An act for the protection of the bridge across the Oswego river at Minetto, Oswego county."
 6. "An act to authorize the town of Westchester, in the county of Westchester, to build a dock at the end of a new road on Eastchester bay."
 6. "An act for the preservation of moose, wild deer, birds and fish."

April 6. "An act in reference to the University of the city of New York."

6. "An act to authorize the settlement of the claim of the State against the late treasurer of Livingston county, and his sureties."
6. "An act to extend the term of service of the supervisors of Niagara county."
6. "An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river."
6. "An act relating to insane patients in the Rensselaer County Lunatic Asylum."
6. "An act to authorize the Common Council of the city of Rochester to raise ten thousand dollars for the use of the public schools therein."
6. "An act to repeal and amend parts of an act entitled 'An act to incorporate the city of Poughkeepsie,' passed March 28, 1854, and the amendments thereto, passed April 12, 1855, and April 14, 1857, and April 2, 1858, for the benefit of the common schools in said city."
6. "An act to amend an act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 31, 1859."
6. "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as relates to the village of Valatie, in the county of Columbia."
6. "An act to protect the fish in the several lakes in the town of Freedom, in the county of Cattaraugus."
6. "An act to authorize and require the trustees of school district No. 26, in the town of Lysander, Onondaga county, to raise money by tax."
6. "An act to authorize the construction of a double railroad track on the Ravenswood, Hallet's Cove and Williamsburgh turnpike."
6. "An act for the more effectual protection of speckled trout in the counties of Queens and Suffolk."
7. "An act changing the boundaries of certain towns in the county of Hamilton, and for other purposes."
7. "An act to appoint commissioners for laying out that portion of the city and county of New York, lying north of 155th street, and to change the plan of streets and avenues in that part of said city lying between 125th and 141st streets, east of the 10th avenue and west of a line fifty feet east of the old Kingsbridge road, and running parallel with said road."
7. "An act relative to the Law School of Columbia College."
7. "An act for the relief of E. Norman Leslie."
7. "An act for the relief of C. W. Allis and others"
7. "An act for the relief of Alson Adams."

April 7. "An act authorizing G. Hurlbut and others, of the village of Tonawanda, to file their claims for damages."

7. "An act to incorporate the Board of Foreign Missions of the Reformed Protestant Dutch Church."

7. "An act to amend title 8, of chapter 8, of part 3, of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels.'"

7. "An act to amend the act entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' passed April 13, 1855."

E. D. MORGAN.

The Assembly bill entitled "An act in relation to school district number 7, of the town of Cortlandt, county of Westchester, empowering the trustees of said district to extend the time for the payment of loan, and authorizing them to sell part of school site," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	J. M. Murphy	Robertson
Colvin	Goss	McGraw	P. P. Murphy	Rotch
Connolly	Grant	Montgomery	Prosser	Sessions
Ferry	Ketcham	Manroe	Richmond	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend the several acts in relation to State Prisons."

The Assembly bill entitled "An act to amend section 7, of title 1, chapter 7, part 2 of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	Munroe	Robertson
Colvin	Goss	Lapham	J. M. Murphy	Rotch
Connolly	Grant	McGraw	Prosser	Sessions
Ferry	Kelly	Montgomery	Richmond	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

By unanimous consent, Mr. Grant asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act authorizing the sale of the county poor house of Sullivan county, and for other purposes, passed May 27, 1853,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Grant, and by unanimous consent, the rule was suspended and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE

Bell	Fiero	Lapham	P. P. Murphy	Rotch
Blood	Goss	McGraw	Prosser	Spinola
Colvin	Grant	Montgomery	Richmond	Truman
Connolly	Kelly	J. M. Murphy	Robertson	Warner
Ferry	Ketcham			

22

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend the articles of incorporation of the Washington Insurance company of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	J. M. Murphy	Robertson
Culvin	Goss	McGraw	Prosser	Rotch
Connolly	Kelly	Montgomery	Ramsey	Sessions
Ferry	Ketcham	Munroe	Richmond	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act making the village of Mechanicville a separate road district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Montgomery	Prosser	Rotch
Blood	Goss	Munroe	Ramsey	Sessions
Colvin	Lapham	J. M. Murphy	Richmond	Truman
Connolly	McGraw	P. P. Murphy	Robertson	Warner
Ferry				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to legalize the State and county taxes in the county of Rensselaer for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and County taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Lapham	J. M. Murphy	Robertson	
Bell	Ferry	McGraw	P. P. Murphy	Rotch	
Blood	Fiero	Montgomery	Prosser	Truman	
Colvin	Goss	Munroe	Richmond	Warner	20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate the Sag Harbor Savings bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Ferry	McGraw	J. M. Murphy	Robertson	
Blood	Fiero	Montgomery	Prosser	Rotch	
Colvin	Ketcham	Munroe	Ramsey	Truman	
Connolly	Lapham				17

FOR THE NEGATIVE.

Warner					1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the bill entitled "An act to amend the several acts in relation to the State Prisons," having been announced,

By unanimous consent, Mr. Munroe moved to amend said bill by striking out the words "ten days" in the first section, and inserting in lieu thereof the words "fifteen days."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Montgomery	Prosser	Rotch	
Bell	Goss	Munroe	Ramsey	Spinola	
Connolly	Ketcham	J. M. Murphy	Robertson	Warner	
Ferry	McGraw	P. P. Murphy			18

FOR THE NEGATIVE.

Grant	Kelly	Truman			3
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Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn," with the following amendments :

Strike out in section 3, line 7, after the word "paid" down to and including the word "days," as follows: "but no merchandize shall be permitted to lay on any of the bulkheads or piers in the cities of New York or Brooklyn, to which there shall be access by public streets, for a longer period than five days," and insert in lieu thereof the following: "excepting merchandize and other property delivered on a wharf for transportation by canal boats through the canals owned by this Slate, and also excepting such merchandize as may be landed on a bulkhead for storage purposes by the owner or occupant of a warehouse immediately in front of and adjoining the bulkhead on which such merchandize shall be landed, which may be permitted to remain thereon eight days without being subject to the charge aforesaid."

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Kelly	Munroe	Robertson
Bell	Ferry	Ketcham	J. M. Murphy	Rotch
Blood	Fiero	McGraw	P. P. Murphy	Spinola
Colvin	Goss	Montgomery	Prosser	Warner
20				

Ordered that the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The third reading of the Assembly bill entitled "An act for the incorporation of fine art associations, and to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," having been announced,

Mr. Spinola moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled an act to confirm and legalize the resolution of the common council of the city of New York, providing for the extension of the pier south side of Pier No. 1, North river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	P. P. Murphy	Robertson
Blood	Grant	Lapham	Prosser	Sessions
Colvin	Kelly	J. M. Murphy	Richmond	Spinola
Connolly				

FOR THE NEGATIVE.

Bell	McGraw	Ramsey	Truman	Warner
Ferry	Montgomery	Rotch		
8				

Mr. Ramsey moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ferry moved to recommit said bill to the committee of the whole.

By unanimous consent, Mr. Spinola moved to amend the first section of said bill, so as to read as follows:

Sec. 1. That permission be, and the same is hereby given to C. Vanderbilt, to build the pier, south side of Pier No. 1, North river, forty feet wide, but not to extend beyond the exterior line laid down by the harbor commissioners.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Ferry	McGraw	P. P. Murphy	Truman	
Colvin	Goss	Montgomery	Rotch	Warner	10

FOR THE NEGATIVE.

Abell	Grant	Lapham	Ramsey	Sessions	
Blood	Kelly	J. M. Murphy	Richmond	Spinola	
Fiero	Ketcham	Prosser	Robertson		14

Mr. Ferry moved to recommit said bill to the committee on commerce and navigation, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	McGraw	P. P. Murphy	Rotch	Warner	
Ferry	Montgomery	Prosser			8

FOR THE NEGATIVE.

Abell	Fiero	Kelly	J. M. Murphy	Robertson	
Blood	Goss	Ketcham	Ramsey	Sessions	
Colvin	Grant	Lapham	Richmond	Spinola	15

Mr. Spinola moved to recommit with instructions to amend said bill by adding thereto the following as an additional section:

Sec. 2. Provided nothing herein contained shall divest the State of New York of any right it may have in the property covered by said pier.

Mr. Spinola moved to lay said bill on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to change the name of Prometheus Benjamin Wager," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	J. M. Murphy	Rotch	
Bell	Fiero	McGraw	Prosser	Sessions	
Blood	Goss	Montgomery	Richmond	Truman	
Colvin	Grant	Murroe	Robertson	Warner	
Connolly	Ketcham				22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Goss moved to reconsider the vote recommitting the Assembly bill entitled "An act for the incorporation of fine art associations, and to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to perfect an amendment to the Constitution abolishing the property qualification of people of color," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Montgomery	Ramsey	Truman
Bell	Goss	Munroe	Richmond	Warner
Colvin	Lapham	P. P. Murphy	Robertson	Williams
Ferry	McGraw	Prosser	Sessions	
				19

FOR THE NEGATIVE.

Connolly	J. M. Murphy	Spinola	3
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When the name of Mr. Robertson was called, that gentleman asked to be excused from voting.

The President put the question whether the Senate would agree to excuse, and it was decided in the negative.

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act to amend an act entitled 'An act to authorize the sale of the county poor house of Sullivan county, and for other purposes,' passed May 27, 1853."

By unanimous consent, Mr. Bell offered the following resolution :

Resolved, That 1,000 extra copies of the report of the committee on the internal affairs of towns and counties, upon the amendment of the Constitution, relating to the excise laws, be printed for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Goss offered the following resolution :

Resolved, That two extra executive sessions be held, on Tuesday and Thursday of this week, at 12 m., each day.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment :

"An act to incorporate the Suffolk County Society."

"An act to incorporate the Hyde Park Fire department in Dutchess county."

"An act to authorize the rector, church wardens and vestrymen of St. Ann's church, Brooklyn, to sell their burial ground and remove remains therefrom."

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

Mr. Ferry, from the select committee of eight, reported the following entitled Assembly bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, with power to report complete, to wit:

"An act for the protection of the proprietor or proprietors of Young's lake in Florida, Montgomery county, in the production and preservation of fish in said lake."

"An act to amend the Revised Statutes in respect to county clerks and clerks of courts of record."

"An act in relation to school libraries in the city of New York."

"An act to extend the term of office of constables in the city of New York from one to two years."

"An act to extend York street, in the city of Brooklyn, from James street to Fulton street."

"An act for the relief of Margaret Zapf and Joseph Velkl, heirs of George Enselein."

"An act requiring the justices of the peace in the several towns in Monroe and Niagara counties, and the police justices in the city of Rochester, to report annually to the board of supervisors."

"An act relating to the support of the poor of Rensselaer county."

"An act to authorize the clerk of the county of Genesee to transcribe so much of the records of Ontario county as relates to lands in the county of Genesee."

"An act to amend an act entitled 'An act to facilitate the collection of debts against corporations,' passed March 19, 1852."

"An act to authorize the Genesee County Agricultural Society to sell and convey certain real estate."

"An act to amend the charter of the village of Herkimer in relation to the office of police constable."

"An act in addition to the act entitled 'An act to incorporate the Hebrew Benevolent Society of the city of New York,' passed February 2, 1832."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

By unanimous consent, Mr. P. P. Murphy moved to reconsider the vote agreeing with the report of the committee on the Assembly bill entitled "An act to incorporate the Brooklyn Medical and Surgical Institute."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. P. P. Murphy moved that said bill be recommitted to the committee on medical societies, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to authorize the board of supervisors of Cattaraugus county to change the site of the poor house in said county, and to sell the poor house farm," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to authorize the board of supervisors of the county of Kings to build a court house for said county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to provide for the compensation of the crier of the courts of record in the county of Herkimer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the commissioners of highways of the town of Perryburgh, in the county of Cattaraugus, to repair the highway road district No. 1, in said town," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act in relation to Union village, in the county of Washington, and to amend the charter thereof," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Richmond, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to confirm the title of a certain piece of land to John A. Winkel," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prosser, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

"An act for the relief of Mrs. Anna E. Stumard," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to legalize the election and confirm the acts of the officers of the village of Walton, Delaware county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act declaring the easterly branch of the St. Regis river a public highway," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Montgomery, and by unanimous consent, the rule was suspended, and said bill referred to the committee on commerce and navigation, to report complete.

"An act to provide for the sale of the Montgomery county poor house farm and property," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Blood, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to confirm the title of certain real estate belonging to the General Society of Mechanics and Tradesmen of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize and confirm the election of trustees and other village officers of the village of Gloversville, in the county of Fulton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act providing for the election of trustees of Spring Forrest Cemetery Association, and legalizing the acts of the trustees and other officers of said association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to encourage the construction of sidewalks in the village of Unadilla, Otsego county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to incorporate the Schoharie Valley Stock Growers' Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to authorize the corporation of the city of New York to borrow a further sum of money to increase the supply of Croton water, and to extend the necessary works for accumulating and distributing the same in said city," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Manierre, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to establish an exterior line in the city of New York upon

the Harlem river, between the First avenue and Third avenue, and to alter and set back the line prescribed therefor by the act of April 17, 1857, chapter 763," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to erect a new town from the towns of Castleton and Southfield, in the county of Richmond, to be called Middletown," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

"An act to authorize the laying out and establishing Deitz street, in the village of Oneonta, in the county of Otsego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to incorporate Rescue Fire Engine company No. 1, of the village of Tarrytown, town of Greenburgh, Westchester county, State of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to provide for the opening of Paca avenue, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act for the more effectual draining of certain swamp and low land in the towns of Pine Plains and Stanford, in the county of Dutchess,' passed April 14, 1859," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act in relation to 'The Supreme Court Library,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the widening of Fourth avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act for the preservation of fish in certain bays and streams in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to incorporate the Rhinebeck Savings bank," which was

read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on banks, to report complete.

"An act to provide for the publication of legal notices in the county of Hamilton," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

"An act to amend an act incorporating the village of Jamestown," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

By unanimous consent, Mr. Sessions moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to assess certain lands, being lots 54 to 77 inclusive, in the town of Carrolton, and all the lands in the town of Bucktooth, south of the Indian Reservation, to build a bridge across the Allegany river below the mouth of the Great Valley creek, in said town of Carrolton, near the Tuna lumber company's mill, and to improve the road each way from said bridge to the main roads connecting therewith in said towns," and that the same be recommended to the committee on roads and bridges, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act for the incorporation of fine art associations, and to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Monroe	Richmond
Bell	Fiero	Lapham	J. M. Murphy	Robertson
Blood	Gardiner	Manierre	Promer	Spinola
Colvin	Goss	Montgomery	Ramsey	Warner.
Connelly.	Grant			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of John Haring," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	P. P. Murphy	Robertson
Blood	Gardiner	Manierre	Prosser	Sessions
Colvin	Goss	Montgomery	Ramsey	Truman
Connolly	Grant	Munroe	Richmond	Warner
Ferry	Ketcham	J. M. Murphy		

28

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of the heirs and legatees of Phineas P. Bates," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Lapham	J. M. Murphy	Robertson
Colvin	Goss	Manierre	Prosser	Sessions
Connolly	Grant	Montgomery	Ramsey	Truman
Ferry	Ketcham	Munroe	Richmond	Warner

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of John Adamson, of Rochester, Monroe county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	J. M. Murphy	Richmond
Blood	Gardiner	Manierre	P. P. Murphy	Sessions
Colvin	Goss	Montgomery	Prosser	Truman
Connolly	Grant	Munroe	Ramsey	Warner
Ferry	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act relating to the free bridge across the Mohawk river, erected by the Fort Plain and Palatine Free Bridge Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Lapham	P. P. Murphy	Sessions
Bell	Fiero	Manierre	Prosser	Spinola
Blood	Grant	Montgomery	Ramsey	Truman
Colvin	Ketcham	J. M. Murphy	Richmond	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to confirm the title of Le Grand Maryin and George L. Marvin to real estate conveyed to them by Alexander Turnbull," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lawrence	Prosser	Sessions
Bell	Fiero	Manierre	Ramsey	Spinola
Blood	Goss	Montgomery	Richmond	Truman
Colvin	Grant	Munroe	Robertson	Warner
Connolly	Ketcham	J. M. Murphy		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to provide for the appointment of inspectors of election and district canvassers, in the city and county of New York," having been announced,

Mr. Lawrence moved to recommit said bill, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Connolly	Grant	Lawrence	Spinola
Colvin	Gardiner	Kelly	J. M. Murphy	Truman

10

FOR THE NEGATIVE.

Abell	Goss	Manierre	P. P. Murphy	Robertson
Bell	Ketcham	Montgomery	Ramsey	Sessions
Ferry	Lapham	Munroe	Richmond	Warner
Fiero				

16

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Prosser	Robertson
Bell	Ketcham	Munroe	Ramsey	Sessions
Ferry	Lapham	P. P. Murphy	Richmond	Warner
Fiero	Manierre			

17

FOR THE NEGATIVE.

Blood	Connolly	Grant	Lawrence	Spinola
Colvin	Gardiner	Kelly	J. M. Murphy	

9

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the inspection of steam boilers and engines, and their appurtenances, and regulating the use of the same, in the cities of New York and Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	P. P. Murphy	Sessions
Bell	Fiero	Ketcham	Prosser	Spinola
Blood	Gardiner	Manierre	Richmond	Truman
Colvin	Goss	Munroe	Robertson	Warner
Connolly	Grant	J. M. Murphy		

23

FOR THE NEGATIVE.

Lawrence

1

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to change the name of 'The Amenia Rural Cemetery,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	Munroe	Robertson
Bell	Goss	Lapham	P. P. Murphy	Sessions
Blood	Grant	Lawrence	Prosser	Truman
Colvin	Kelly	Manierre	Richmond	Warner
Connolly				

21

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to provide for the incorporation of religious societies, passed April 5, 1813, and the several acts amendatory thereof,' passed March 30, 1850,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Goss	Montgomery	Richmond
Bell	Ferry	Kelly	P. P. Murphy	Robertson
Blood	Fiero	McGraw	Prosser	Sessions
Colvin	Gardiner	Manierre		

18

FOR THE NEGATIVE.

Grant

Lapham

2

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend the act entitled 'An act for the protection of the proprietor or proprietors of Hugg Town pond, in Spencer, Tioga county, in the production and preservation of fish in said pond,' passed April 1, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	J. M. Murphy	Sessions
Bell	Fiero	McGraw	P. P. Murphy	Spinola
Blood	Gardiner	Manierre	Prosser	Truman
Colvin	Goss	Montgomery	Richmond	Warner
Connolly	Kelly	Munroe	Robertson	

24

FOR THE NEGATIVE.

Grant Lapham

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend the charter of the Lorillard Fire Insurance company of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Manierre	J. M. Murphy	Sessions
Bell	Goss	Montgomery	Prosser	Spinola
Blood	Lawrence	Munroe	Robertson	Warner
Ferry	McGraw			

17

FOR THE NEGATIVE.

Colvin Connolly Grant Lapham

4

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Buffalo,' passed March 23, 1837," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Manierre	Richmond
Bell	Fiero	Ketcham	Montgomery	Robertson
Blood	Gardiner	Lapham	J. M. Murphy	Sessions
Colvin	Goss	Lawrence	P. P. Murphy	Spinola
Connolly	Grant	McGraw	Prosser	Warner

25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the construction of a road from the outlet of Branch pond, in lot number 9, in township number 9, McComb's purchase, Great Tract number 1, Franklin county, to the Upper Saranac lake, in lot number 20, in the same purchase," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Goss	McGraw	P. P. Murphy
Bell	Ferry	Grant	Manierre	Prosser
Blood	Fiero	Kelly	Montgomery	Sessions
Colvin	Gardiner	Ketcham	J. M. Murphy	Warner

20

FOR THE NEGATIVE.

Lawrence

Richmond

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend and continue the act entitled 'An act to provide for the laying out and construction of a road from the town of Pierrepont, in St. Lawrence county, to the road from Carthage to Lake Champlain,' passed April 16, 1852," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE

Abell	Ferry	Lapham	Munroe	Richmond
Bell	Fiero	Lawrence	J. M. Murphy	Robertson
Blood	Goss	McGraw	P. P. Murphy	Sessions
Colvin	Kelly	Montgomery	Prosser	Warner
Connolly	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate Excelsior Bucket company No. 1, in Richmond county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Montgomery	Robertson
Bell	Gardiner	Lawrence	Munroe	Sessions
Connolly	Goss	McGraw	J. M. Murphy	Spinoia
Ferry	Ketcham	Manierre	Prosser	Warner

26

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate 'Neptune Engine company, No. 6,' of the village of Tompkinsville, town of Castleton, Richmond county, State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Montgomery	Ramsey
Bell	Fiero	Lapham	Munroe	Robertson
Blood	Gardiner	Lawrence	J. M. Murphy	Sessions
Colvin	Grant	McGraw	P. P. Murphy	Warner
Connolly	Kelly	Manierre	Prosser	24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act relative to the village of Deposit," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Manierre	Prosser
Bell	Fiero	Ketcham	Montgomery	Robertson
Blood	Gardiner	Lapham	Munroe	Sessions
Colvin	Goss	Lawrence	J. M. Murphy	Warner
Connolly	Grant	McGraw	P. P. Murphy	24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to incorporate the Down Town Association in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Rotch
Blood	Gardiner	Lapham	J. M. Murphy	Sessions
Colvin	Grant	Manierre	Robertson	Spinola
Connolly	Kelly	Montgomery		18

FOR THE NEGATIVE.

Bell	McGraw	Richmond	Warner	4
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to repeal chapter 98 of the laws of 1805, and the subsequent reenactments thereof," having been announced,

Mr. Lawrence moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell Ferry	Grant Ketcham	Lawrence McGraw	Munroe	Warner	8
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FOR THE NEGATIVE.

Abell Blood Colvin Connolly	Fiero Gardiner Kelly Lapham	Manierre Montgomery J. M. Murphy Prosser	Ramsey Richmond Rotch	Sessions Spinola Truman	18
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Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell Blood Colvin Fiero	Gardiner Grant Kelly Lawrence	Manierre Montgomery J. M. Murphy P. P. Murphy	Prosser Ramsey Richmond Rotch	Sessions Spinola Truman	19
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FOR THE NEGATIVE.

Ferry Goss	Lapham	McGraw	Munroe	Warner	6
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to authorize the construction of a railroad in Seventh avenue, and in certain streets of the city of New York," having been announced,

Mr. Bell moved to recommit said bill, with instructions to amend by inserting the following after the names of the corporators:

"And all such other persons as may be at the time of the passage of this act owners and operators of lines of stages on the streets and avenues through which this road is to be constructed."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell Goss	Kelly Montgomery	P. P. Murphy	Prosser	Truman	7
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FOR THE NEGATIVE.

Abell Blood Colvin Fiero	Gardiner Grant Lapham Lawrence	McGraw Munroe J. M. Murphy	Ramsey Richmond Robertson	Sessions Spinola Warner	17
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Mr. P. P. Murphy moved to recommit with instructions to amend by striking out the words "the same fees now charged by other railroads," and inserting in lieu thereof the words "three cents."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Connolly Goss	Kelly Manierre	Montgomery P. P. Murphy	Prosser Rotch	Truman	9
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FOR THE NEGATIVE.

Abell Bell Blood Fiero	Gardiner Grant Ketcham Lapham	Lawrence McGraw J. M. Murphy	Ramsey Richmond Robertson	Sessions Spinola Warner	17
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Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Robertson	
Blood	Fiero	Lapham	J. M. Murphy	Sessions	
Colvin	Gardiner	Lawrence	Ramsey	Spinola	
Connolly	Grant	McGraw	Richmond	Warner	20

FOR THE NEGATIVE.

Bell	Kelly	Montgomery	Prosser	Truman	
Goss	Manierre	P. P. Murphy	Rotch		9

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to confirm a grant or resolution of the common council of the city of New York, authorizing the construction of a railroad in certain streets and avenues in said city, and to authorize the construction of said railroad," having been announced,

Mr. Manierre moved to recommit said bill, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Kelly	Manierre	P. P. Murphy	Rotch	
Connolly	McGraw	Montgomery	Prosser	Truman	
Goss					11

FOR THE NEGATIVE.

Abell	Ferry	Grant	Lawrence	Robertson	
Blood	Fiero	Ketcham	Ramsey	Sessions	
Colvin	Gardiner	Lapham	Richmond	Spinola	15

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Richmond	Spinola	
Blood	Gardiner	Lawrence	Robertson	Truman	
Colvin	Grant	Munroe	Sessions	Warner	
Ferry	Ketcham	Ramsey			18

FOR THE NEGATIVE.

Bell	Goss	McGraw	Montgomery	Prosser	
Connolly	Kelly	Manierre	P. P. Murphy	Rotch	10

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to authorize the construction of a railroad in Tenth avenue, Forty-second street, and certain other avenues and streets of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Munroe	Robertson	
Colvin	Gardiner	Lawrence	J. M. Murphy	Sessions	
Ferry	Ketcham	McGraw	Richmond	Spinola	18

FOR THE NEGATIVE.

Bell	Grant	Manierre	P. P. Murphy	Rotch	
Connolly	Kelly	Montgomery	Prosser	Truman	
Goss					14

Mr. Robertson moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Robertson	
Colvin	Gardiner	Lawrence	Prosser	Sessions	
Connolly	Grant	McGraw	Richmond	Spinola	
Ferry	Ketcham	Munroe			18

FOR THE NEGATIVE.

Bell	Manierre	P. P. Murphy	Rotch	Truman	
Goss	Montgomery				7

Mr. Robertson moved to take from the table the motion to reconsider the vote on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Sessions	
Colvin	Gardiner	Lawrence	Ramsey	Spinola	
Connolly	Grant	McGraw	Richmond	Warner	
Ferry	Ketcham	Munroe	Robertson		19

FOR THE NEGATIVE.

Bell	Goss	Manierre	P. P. Murphy	Rotch	
Blood	Kelly	Montgomery	Prosser	Truman	10

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Bell moved to recommit said bill, with instructions to amend by inserting the following as an additional section:

"The Comptroller of the city of New York shall, upon suitable notice, sell the rights and franchises herein granted, at public auction, to the highest bidder, for the benefit of said city."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Montgomery	P. P. Murphy	Truman	
Connolly	Kelly	Munroe	Rotch		9

FOR THE NEGATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Robertson	
Blood	Gardiner	Lawrence	Ramsey	Spinola	
Colvin	Grant	McGraw	Richmond	Warner	
Ferry					16

Mr. Manierre moved to recommit, with instructions to amend by inserting in the 8th line, 7th section, after the word "fare" the words "and three cents."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Montgomery	Prosser	
Colvin	Kelly	Manierre	P. P. Murphy	Truman	
Connolly					11

FOR THE NEGATIVE.

Abell	Gardiner	Lawrence	Ramsey	Sessions	
Blood	Grant	Munroe	Richmond	Spinola	
Ferry	Ketcham	J. M. Murphy	Robertson	Warner	
Fiero	Lapham				17

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Robertson	
Blood	Fiero	Lapham	J. M. Murphy	Sessions	
Colvin	Gardiner	Lawrence	Ramsey	Spinola	
Connolly	Grant	McGraw	Richmond	Warner	20

FOR THE NEGATIVE.

Bell	Kelly	Montgomery	Prosser	Truman	
Goss	Manierre	P. P. Murphy	Rotch		9

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The third reading of the Assembly bill entitled "An act to authorize the construction of a railroad in Avenue D, East Broadway, and other streets of the city of New York," having been announced,

Mr. Truman moved to recommit, with instructions to amend by inserting in second section, 9th line, after word "than" the words "three cents."

Mr. Lawrence moved to amend the amendment, by striking out "three" and inserting "five."

Mr. P. P. Murphy moved further to amend, so as to make it "four cents."

The President put the question whether the Senate would agree to said motion of Mr. P. P. Murphy, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Manierre	P. P. Murphy	Rotch	
Colvin	Kelly	Montgomery	Prosser	Truman	
Connolly	McGraw	Munroe			13

FOR THE NEGATIVE.

Abell	Gardiner	Lapham	Ramsey	Sessions	
Blood	Grant	Lawrence	Richmond	Spinola	
Fiero	Ketcham	J. M. Murphy	Robertson	Warner	15

The President put the question whether the Senate would agree

to said motion of Mr. Lawrence, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Sessions
Bell	Gardiner	McGraw	P. P. Murphy	Spinola
Blood	Goss	Manierre	Prosser	Truman
Connolly	Grant	Montgomery	Robertson	Warner
Ferry	Ketcham	Munroe	Rotch	

24

The President then put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Kelly	Montgomery	Prosser	Truman
Goss	Manierre	P. P. Murphy	Rotch	

9

FOR THE NEGATIVE.

Abell	Gardiner	Lapham	J. M. Murphy	Sessions
Blood	Grant	Lawrence	Richmond	Spinola
Ferry	Ketcham	McGraw	Robertson	Warner
Fiero				

16

Mr. Truman moved to recommit, with instructions to amend by inserting in second section, 9th line, after word "than" "four and a half cents."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Truman moved to recommit, with instructions to amend by inserting a clause requiring the sale of tickets in packages of twenty-five for a dollar.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Montgomery	Prosser
Connolly	Kelly	Manierre	P. P. Murphy	Truman

10

FOR THE NEGATIVE.

Abell	Fiero	Lapham	Ramsey	Sessions
Blood	Gardiner	Lawrence	Richmond	Spinola
Colvin	Grant	Munroe	Robertson	Warner
Ferry	Ketcham	J. M. Murphy		

18

Said bill was then read a time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Sessions
Blood	Fiero	Lapham	J. M. Murphy	Spinola
Colvin	Gardiner	Lawrence	Richmond	Warner
Connolly	Grant	McGraw	Robertson	

19

FOR THE NEGATIVE.

Bell	Kelly	Montgomery	Prosser	Truman
Goss	Manierre	P. P. Murphy	Rotch	

9

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The third reading of the Assembly bill entitled "An act to authorize the construction of a railroad in Fourteenth street, and in other streets of the city of New York," having been announced,

Mr. Bell moved to recommit said bill, with instructions to amend by inserting a clause fixing fares at three cents.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Manierre	P. P. Murphy	Rotch	
Colvin	Kelly	Montgomery	Prosser	Truman	10

FOR THE NEGATIVE.

Abell	Gardiner	Lawrence	Ramsey	Sessions	
Blood	Grant	McGraw	Richmond	Spinola	
Ferry	Ketcham	Murphy	Robertson	Warner	
Fiero	Lapham	J. M. Murphy			18

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Murphy	Robertson	
Blood	Fiero	Lapham	J. M. Murphy	Sessions	
Colvin	Gardiner	Lawrence	Ramsey	Spinola	
Connolly	Grant	McGraw	Richmond	Warner	20

FOR THE NEGATIVE.

Bell	Kelly	Montgomery	Prosser	Truman	
Goss	Manierre	P. P. Murphy	Rotch		2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. J. M. Murphy, from the committee on literature, to which was referred the bill entitled "An act to amend the act to incorporate the Young Men's Association for Mutual Improvement, in the city of Albany, passed March 12, 1835, passed April 15, 1854," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson presented a petition of Horace Greeley, for abolition of death penalty, which was read and referred to the committee of the whole.

Mr. Ramsey presented a petition of E. F. Loveridge, of Schenectady, on same subject, which was read and referred to the committee of the whole.

Mr. Sessions, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sessions moved to make said bill the special order for tomorrow, at 10½ o'clock.

Mr. Robertson moved to amend, so as to make it the special order for to-morrow, at half past eleven.

Mr. Truman moved to amend, so as to make it 11 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Sessions, as amended, and it was decided in the affirmative.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Rhinebeck Savings bank," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the map and profile accompanying the annual report of the State Engineer and Surveyor on Canals, for 1859, reported in favor of the adoption of the following resolution:

Resolved, That there be printed and bound 3,000 copies of the map and profiles accompanying the annual report of the State Engineer and Surveyor on Canals, for 1859, for the members, officers and reporters of this Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act relating to the support of the poor of Rensselaer county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act requiring the justices of the peace in the several towns in Monroe and Niagara counties, and the police justices in the city of Rochester, to report annually to the board of supervisors," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled: "An act to authorize the clerk of the county of Genesee to transcribe as much of the records of Ontario county as relates to lands in the county of Genesee," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled: "An act for the protection of the proprietor or proprietors of Young's lake in Florida, Montgomery county, in the production and preservation of fish in said lake," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act for the more effectual draining of certain swamp lands and low lands in the town of Pine Plains, in the county of Dutchess," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of Cattaraugus county to change the site of the poor house in said county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the sale of the Montgomery county poor house farm and property," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate Fire Engine company No. 1, of the village of Tarrytown, town of Greenburgh, Westchester county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Margaret Zapf and Joseph Velkl, heirs of George Enselein," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to facilitate the collection of debts against corporations,' passed March 19, 1852," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend the Revised Statutes in respect to county clerks and clerks of courts of record," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to authorize the Genesee County Agricultural Society to sell and convey certain real estate," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the title of a certain piece of land to John A. Minkel," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to incorporate the Carmanville Bridge company, of the town of Binghamton," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to incorporate the American Zoological and Botanical Society."

"An act for ascertaining and collecting the damages caused by the destruction of the Marine Hospitals and other buildings and property at Quarantine."

"An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house."

"An act to amend an act entitled 'An act to establish a Metropolitan Police district, and to provide for the government thereof,' passed April 15, 1857."

Ordered, That the Clerk deliver said bills to the Governor.

. A message from the Assembly was also received, returning the bill entitled as follows:

"An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn."

Ordered, That the Clerk deliver said bill to the Governor.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows:

"An act to incorporate the Atlantic Savings bank of the city of New York."

"An act to incorporate the Rockland County Savings bank of Rockland."

"An act to amend an act entitled 'An act to authorize the Second Associate Congregation of Hebron, to dispose of church property,' passed March 29, 1858."

Ordered, That the Clerk return said bills to the Assembly.

On motion of Mr. Richmond, the Senate adjourned.

TUESDAY, APRIL 10, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Rabbi Falk.

On motion of Mr. Warner, the reading of the journal was dispensed with.

Mr. Spinola, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of the county of Kings to

build a court house for said county," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the preservation of fish in certain bays and streams in the county of Monroe," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act declaring the easterly branch of the St. Regis river a public highway," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act supplementary to the act entitled 'An act to incorporate the Hebrew Benevolent Society of the city of New York,' passed February 2, 1832," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act to empower the congregation of B'Nai Jeshurun of the city of New York, to change the number of their trustees, and to alter and protect their Cemetery," passed March 12, 1856," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act providing for the election of trustees of Spring Forrest Cemetery Association, and legalizing the acts of the trustees and other officers of said association," reported in favor of the passage of the same.

On motion of Mr. Truman, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the Albany, Schoharie and Rensselaerville Plankroad company to erect a toll gate on their road, west of the Whitehall road, in addition to their present gates, and to take certain tolls thereat," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for the support of roads and bridges, and to provide for increased compensation of commissioners of highways and other town officers,' passed April 15, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to assess certain lands, being lots 54 to 77 inclusive, in the town of Carrolton, and all the lands in the town of Bucktooth, south of the Indian Reservation, to build a bridge across the Allegany river below the mouth of the Great Valley creek, in said town of Carrolton, near the Tima lumber company's mill, and to improve the road each way from said bridge to the main roads connecting therewith in said towns," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the Assembly bill entitled "An act to incorporate the Brooklyn Medical and Surgical Institute," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the commissioners of highways of the town of Perrysburgh, in the county of Cattaraugus, to repair the highway road district number 1, in said town," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the appraisal and payment of canal damages to Jahial Freeman and Edward B. Hammatt," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to pay William Wilcox for property taken for public use," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. P. P. Murphy asked and obtained leave to introduce a bill entitled "An act to provide for lengthening the locks upon the Erie and Oswego canals, without cost to the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the title of certain real estate belonging to the General Society of Mechanics and Tradesmen of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize and confirm the election of trustees and other village officers of the village of Gloversville, in the county of Fulton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the publication of legal notices in the county of Hamilton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to 'The Supreme Court Library,'" reported in favor of the passage of the same.

On motion of Mr. Truman, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the compensation of the crier of the courts of record in the county of Herkimer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the election and confirm the acts of the officers of the village of Walton, Delaware county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from a majority of the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Benjamin Nott," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Jacob Warren," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Harvey Borthwick," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Truman moved that the committee on claims, be discharged from the further consideration of the Assembly bill entitled "An act for the relief of Mrs. Anna E. Stannard," and that the same be referred to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Rotch asked and obtained leave to introduce a bill entitled "An act in relation to the election of officers in the village of Cherry Valley, in the county of Otsego," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Rotch, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Lawrence	Munroe	Sessions
Bell	Goss	McGraw	P. P. Murphy	Spinola
Colvin	Grant	Manierre	Robertson	Truman
Connolly	Ketcham	Montgomery	Rotch	Warner

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the city of Auburn to make, upon the faith and credit of said city, bonds in the aggregate amount of one hundred thousand dollars, to aid in the construction of a railroad from Sodus Bay, on Lake Ontario, to Homer, or some other point of intersection with the Syracuse and Binghamton railroad, and passing through the city of Auburn," reported in favor of the passage of the same, with amendments.

On motion of Mr. McGraw, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. McGraw, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to school libraries in the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Schoharie Valley Stock Growers' Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on finance, to which was referred the Assembly bill entitled "An act for the completion of the draining of the Cayuga marshes, and the removal of obstructions from the channel of Seneca river," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Spinola, from the select committee consisting of the Senators from Kings county, to which was referred the Assembly bill entitled "An act authorizing the Central and the Brooklyn and Jamaica railroad companies to consolidate and continue the roads," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to extend the term of office of constables in the city of New York from one to two years," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to

incorporate the village of White Plains," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to extend York street, in the city of Brooklyn, from James street to Fulton street," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe moved to reconsider the vote taken on Saturday, recommitting the bill entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms house department therein," to the committee on poor laws, with power to sit during the recess, and send for persons and papers.

Mr. Truman moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Kelly	J. M. Murphy	Spinola	
Colvin	Grant	Manierre	Ramsey	Truman	
Connolly					11

FOR THE NEGATIVE.

Bell	Ketcham	Munroe	Robertson	Sessions	
Ferry	McGraw	Prosser	Rotch	Warner	
Fiero	Montgomery	Richmond			13

Mr. Spinola moved to postpone the question on said motion of Mr. Munroe, for fifteen minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Kelly	J. M. Murphy	Spinola	
Colvin	Grant	Manierre	Ramsey	Truman	
Connolly					11

FOR THE NEGATIVE.

Abell	Fiero	Montgomery	Prosser	Rotch	
Bell	Ketcham	Munroe	Richmond	Sessions	
Ferry	McGraw	P. P. Murphy	Robertson	Warner	15

Pending debate on the motion of Mr. Munroe,

The hour of 11 o'clock having arrived, the President announced the special order, being the Assembly bill entitled as follows :

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860."

Mr. Robertson moved to postpone said special order for one hour.

Mr. Truman moved to amend, so as to postpone for half an hour.

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Richmond	Sessions	
Bell	Ketcham	Munroe	Robertson	Truman	
Ferry	Lapham	P. P. Murphy	Rotch	Warner	
Fiero	McGraw	Prosser			18

FOR THE NEGATIVE.

Blood	Connolly	Grant	Manierre	Spinola	
Colvin	Gardiner	Kelly	Ramsey		9

Mr. Spinola was proceeding to debate said motion of Mr. Munroe, when he was called to order by the President, having spoken ten minutes.

Mr. Spinola moved that he be allowed to proceed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Connolly	Grant	Manierre	Spinola	
Colvin	Gardiner	Kelly	J. M. Murphy	Truman	10

FOR THE NEGATIVE.

Bell	Ketcham	Munroe	Robertson	Warner	
Ferry	McGraw	P. P. Murphy	Rotch	Williams	
Fiero	Montgomery	Prosser	Sessions		14

The hour of half-past 11 having arrived, the President announced the special order, being the Assembly bill entitled as follows :

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860."

Mr. Robertson moved to postpone said special order for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	Richmond	Sessions	
Bell	Goss	Montgomery	Robertson	Warner	
Blood	Ketcham	Munroe	Rotch	Williams	
Ferry	Lapham	P. P. Murphy			18

FOR THE NEGATIVE.

Colvin	Gardiner	Kelly	Spinola	Truman	
Connolly	Grant	Manierre			8

Pending debate on said motion to reconsider,

The hour of 12 o'clock having arrived, the President announced the special order, being the Assembly bill entitled as follows :

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860."

Mr. Fiero moved to postpone for one hour.

Mr. Truman moved to amend, so as to postpone for half an hour.

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	J. M. Murphy	Richmond	
Bell	Goss	Manierre	P. P. Murphy	Spinola	
Blood	Grant	Montgomery	Prosser	Truman	
Ferry	Kelly				17

FOR THE NEGATIVE.

Colvin	Fiero	Ramsey	Sessions	Warner	
Connolly	Munroe	Robertson			8

The President then announced that the Senate would go into executive session.

Mr. Robertson moved that the executive session be postponed for half an hour.

Mr. Truman moved to amend, so as to postpone for a quarter of an hour.

Mr. Munroe moved to amend, so as to postpone for an hour and a half.

The President put the question whether the Senate would agree to said motion of Mr. Munroe, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ketcham	Montgomery	Prosser	Rotch
Bell	Lapham	Munroe	Richmond	Sessions
Ferry	McGraw	P. P. Murphy	Robertson	Warner
Fiero				

16

FOR THE NEGATIVE.

Blood	Connolly	Grant	J. M. Murphy	Spinola
Colvin	Gardiner	Kelly	Ramsey	Truman

18

The hour of half-past 12 having arrived, the President announced the special order, being the Assembly bill entitled as follows :

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860."

Mr. Robertson moved to postpone said special order for one hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Prosser	Rotch
Bell	Ketcham	Munroe	Richmond	Sessions
Ferry	Lapham	P. P. Murphy	Robertson	Warner
Fiero	McGraw			

16

FOR THE NEGATIVE.

Blood	Connolly	Grant	Manierre	Truman
Colvin	Gardiner	Kelly	Ramsey	

9

The President then put the question whether the Senate would agree to said motion of Mr. Munroe, to reconsider, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ketcham	Montgomery	Prosser	Rotch
Bell	Lapham	Munroe	Richmond	Sessions
Ferry	McGraw	P. P. Murphy	Robertson	Warner
Fiero				

11

FOR THE NEGATIVE.

Blood	Gardiner	Kelly	J. M. Murphy	Spinola
Colvin	Grant	Manierre	Ramsey	Truman
Connolly				

11

The question being on the motion to recommit, with power to sit during the recess, and to send for persons and papers.

Mr. Spinola was proceeding to debate said motion, when he was called to order by the President, having spoken ten minutes.

Mr. Warner moved that the Senator from the third be allowed to proceed ten minutes.

Mr. Munroe moved to amend, so as to make it eight minutes.

Mr. Robertson moved to amend, so that the Senator from the 3d

be allowed to proceed for five minutes, and that then the question be taken without delay, debate or amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative.

The President was proceeding to put the question on the motion to recommit, when

Mr. Grant raised the point of order that the motion of Mr. Robertson was not adopted.

The President decided the point of order not well taken.

From this decision Mr. Grant appealed.

The President put the question "Shall the decision of the Chair stand as the judgment of the Senate?" and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ketcham	P. P. Murphy	Robertson	Sessions
Bell	McGraw	Richmond	Rotch	Warner
Ferry	Munroe			

12

FOR THE NEGATIVE.

Blood	Fiero	Grant	Montgomery	Ramsey
Colvin	Gardiner	Kelly	J. M. Murphy	Spinola
Connolly	Goss	Manierre	Prosser	Truman

16

Mr. Ferry moved that the Senator from the 3d be allowed to proceed for five minutes, and that then the question be taken without amendment, delay or debate.

Mr. Spinola called for a division of the question.

Mr. Spinola was proceeding to debate said question, when he was called to order by the President, on the ground that the question was not debatable, relating to priority of business.

From this decision Mr. Spinola appealed.

The President put the question "Shall the decision of the Chair stand as the judgment of the Senate?" and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Munroe	Ramsey	Rotch
Bell	Ketcham	P. P. Murphy	Richmond	Sessions
Ferry	McGraw	Prosser	Robertson	Warner
Fiero	Montgomery			

17

FOR THE NEGATIVE.

Blood	Connolly	Grant	Manierre	Spinola
Colvin	Gardiner	Kelly	J. M. Murphy	

9

The hour of half-past one having arrived, the President announced the special order, being the Assembly bill entitled as follows :

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860."

Mr. Fiero moved that said special order be postponed until ten minutes past 4 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ketcham	Montgomery	Prosser	Sessions	
Bell	Lapham	Munroe	Robertson	Warner	
Fiero	McGraw	P. P. Murphy	Rotch		14

FOR THE NEGATIVE.

Blood	Gardiner	Kelly	J. M. Murphy	Spinola	
Colvin	Grant	Manierre	Ramsey	Truman	
Connolly					11

The President then announced that the Senate would go into executive session.

Mr. Robertson moved that the executive session be postponed until four o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ketcham	Montgomery	Prosser	Rotch	
Bell	Lapham	Munroe	Richmond	Sessions	
Goss	McGraw	P. P. Murphy	Robertson	Warner	15

FOR THE NEGATIVE.

Blood	Connolly	Grant	Manierre	Truman	
Colvin	Gardiner	Kelly	Ramsey		9

Mr. Spinola raised the point of order that there were more than ten bills ready for a third reading, and that under the joint rule the Senate must proceed to the third reading of bills.

The President decided the point of order not well taken, the Senate under the joint rule not having assigned any time for that purpose, as provided in the 9th joint rule.

Mr. Spinola was proceeding to debate, when

Mr. Ferry raised the point of order that the question related to priority of business, and was not debatable.

The President decided the point of order well taken.

From this decision Mr. Spinola appealed.

The President put the question "Shall the decision of the Chair stand as the judgment of the Senate?" and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Munroe	Ramsey	Rotch	
Bell	Ketcham	P. P. Murphy	Richmond	Sessions	
Ferry	McGraw	Prosser	Robertson	Warner	
Fiero	Montgomery				17

FOR THE NEGATIVE.

Blood	Connolly	Grant	Manierre	J. M. Murphy	
Colvin	Gardiner	Kelly			8

Mr. Blood moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Connolly	Kelly	J. M. Murphy	Truman	
Colvin	Grant	Manierre	Spinola		9

FOR THE NEGATIVE.

Abell	Ketcham	Montgomery	Ramsey	Rotch	
Ferry	Lapham	Munroe	Richmond	Sessions	
Fiero	McGraw	P. P. Murphy	Robertson	Warner	
Goss					16

The question being on the motion of Mr. Ferry, to allow the Senator from the 3d to proceed five minutes, and that then the question be taken without amendment, delay or debate.

Mr. J. M. Murphy moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood Colvin	Connolly Gardiner	Grant Kelly	Manierre J. M. Murphy	Spinola Truman	10
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FOR THE NEGATIVE.

Abell Ferry Fiero Goss	Ketcham Lapham McGraw	Montgomery Munroe P. P. Murphy	Ramsey Richmond Robertson	Rotch Sessions Warner	16
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Mr. Spinola was again proceeding to debate, when

Mr. Robertson raised the point of order, that the Senator from the 3d having been called to order he cannot again proceed unless by the consent of the Senate.

The President decided the point of order well taken.

Mr. Spinola moved to amend the motion of Mr. Ferry by striking out the words "five minutes" and inserting in lieu thereof "four hours."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood Colvin	Connolly Gardiner	Grant Kelly	Manierre J. M. Murphy	Spinola Truman	10
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FOR THE NEGATIVE.

Abell Ferry Fiero Goss	Ketcham Lapham McGraw Montgomery	Munroe P. P. Murphy Prosser	Ramsey Richmond Robertson	Rotch Sessions Warner	17
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Mr. Blood moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood Colvin	Connolly Grant	Kelly Manierre	J. M. Murphy Spinola	Truman	9
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FOR THE NEGATIVE.

Abell Ferry Fiero Goss	Ketcham Lapham McGraw Montgomery	Munroe P. P. Murphy Prosser	Ramsey Richmond Robertson	Rotch Sessions Warner	17
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Mr. Grant moved to amend by striking out "five minutes" and inserting "three hours."

Mr. Robertson moved further to amend, by striking out "five minutes" and inserting "three minutes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell Ferry	Ketcham Lapham	Montgomery Munroe	Prosser Richmond	Rotch Sessions
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Fiero	McGraw	P. P. Murphy	Robertson	Warner	16
Goss					

FOR THE NEGATIVE.

Blood	Connolly	Grant	Manierre	Truman	9
Colvin	Gardiner	Kelly	J. M. Murphy		

The President was proceeding to put the remainder of the motion of Mr. Ferry, as amended, when

Mr. Spinola moved to postpone the further consideration of the subject until the 4th day of July next.

The President decided that motion not in order, inasmuch as one part of the motion having been put, the other of necessity must be, without amendment.

From this decision Mr. Spinola appealed.

The President put the question "Shall the decision of the Chair stand as the judgment of the Senate?" and it was decided in the Affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ketcham	Munroe	Ramsey	Sessions	
Ferry	McGraw	P. P. Murphy	Richmond	Warner	
Fiero	Montgomery	Prosser	Botch	Williams	17
Goss					

FOR THE NEGATIVE.

Blood	Connolly	Grant	Manierre	J. M. Murphy	8
Colvin	Gardiner	Kelly			

The President then put the question whether the Senate would agree to the remainder of the motion of Mr. Ferry, as amended, that the question be taken "without amendment, delay or debate," and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ketcham	Munroe	Richmond	Sessions	
Ferry	Lapham	P. P. Murphy	Robertson	Warner	
Fiero	McGraw	Prosser	Botch	Williams	18
Goss	Montgomery	Ramsey			

FOR THE NEGATIVE.

Blood	Grant	Manierre	Spinola	Truman	8
Gardiner	Kelly	J. M. Murphy			

Mr. Blood moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Grant	Manierre	J. M. Murphy	Spinola	7
Gardiner	Kelly				

FOR THE NEGATIVE.

Abell	Ketcham	Munroe	Ramsey	Botch	
Ferry	Lapham	P. P. Murphy	Richmond	Sessions	
Fiero	McGraw	Prosser	Robertson	Warner	17
Goss	Montgomery				

The President then put the question whether the Senate would agree to the motion to recommit said bill to the committee on poor laws, with power to sit during the recess, and send for persons and papers, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Kelly	J. M. Murphy	Truman	9
Connolly	Grant	Manierre	Spinola		

FOR THE NEGATIVE.

Abell	Ketcham	Munroe	Richmond	Sessions
Bell	Lapham	P. P. Murphy	Robertson	Warner
Ferry	McGraw	Prosser	Rotch	Williams
Fiero	Montgomery	Ramsey		

10

Mr. Spinola then offered a report from the minority of the committee to which was referred the bill entitled "An act to create in the city and county of New York the department of public charities, and to abolish the alms house department therein."

The President decided that such report was not in order until the question had been put on agreeing to the report of the committee, the Senate having directed the vote to be taken without delay, amendment or debate.

From this decision Mr. Spinola appealed.

The President put the question "Shall the decision of the Chair stand as the judgment of the Senate?" and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Prosser	Rotch
Bell	Ketcham	Munroe	Ramsey	Sessions
Connolly	Lapham	J. M. Murphy	Richmond	Warner
Ferry	McGraw	P. P. Murphy	Robertson	Williams
Fiero				

21

FOR THE NEGATIVE.

Blood	Grant	Kelly	Manierre	Spinola
Gardiner				

6

The President then put the question whether the Senate would agree to the report of the majority of the select committee by which said bill was reported complete to the Senate, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Richmond	Sessions
Bell	Ketcham	Munroe	Robertson	Warner
Ferry	Lapham	P. P. Murphy	Rotch	Williams
Fiero	McGraw	Prosser		

18

FOR THE NEGATIVE.

Blood	Gardiner	Kelly	J. M. Murphy	Truman
Connolly	Grant	Manierre	Ramsey	

9

Ordered, That said bill be read a third time.

Mr. Spinola, from the minority of the committee on poor laws, to which was referred the bill entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms house department therein," reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 83.)

The order of business of third reading of bills having been announced,

Mr. Robertson moved that that order of business be suspended.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Blood moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Robertson moved that the order of business of third reading of bills be suspended.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ketcham moved that the bill entitled "An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms house department therein," have its third reading this evening, at 7½ o'clock, without debate, debate or amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE

Abell	Ketcham	Manroe	Richmond	Sessions
Bell	Lapham	P. P. Murphy	Robertson	Warner
Ferry	McGraw	Prosser	Rotch	Williams
Fiero	Montgomery	Ramsey		

18

FOR THE NEGATIVE.

Blood	Grant	Kelly	Manierre	Truman
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5

Mr. Prosser moved that the Assembly bill entitled "An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages," be referred to the first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. P. P. Murphy moved that the Assembly bill entitled "An act in relation to the surplus water of the canal and the lessees thereof," be referred to the first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Warner offered the following resolution :

Resolved, (if the Assembly concur,) That the 20th joint rule of the Senate and Assembly, be suspended for the balance of the session.

Ordered, That said resolution be laid on the table.

The President presented the annual report of the Regents of the University on the State Cabinet of Natural History, which was laid on the table and ordered printed.

(See Doc. No. 89.)

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled as follows :

"An act to authorize the laying of a double railroad track in the city of Brooklyn and county of Kings, and the town of Newtown, in the county of Queens."

Ordered, That the Clerk return said bill to the Assembly.

Mr. Manierre moved to take from the table the following resolution :

Resolved, (if the Senate concur,) That there be printed of the Transactions of the American Institute, for the year 1859, 20 copies for each member, officer and reporter of the Legislature; 500 copies for the said Institute; 20 copies for each county agricultural society in counties electing one member of Assembly, and a proportionate additional number in counties electing more than one member of Assembly; 10 copies for each town agricultural society; and 50 copies for the Regents of the University, for exchanges; and that said report be printed and bound in the same manner as last year.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Goss offered the following resolution:

Resolved, That the morning sessions of the Senate, hereafter commence at 9 o'clock, A. M.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the following entitled bills:

"An act to incorporate the Union Savings Bank of Batavia."

"An act to amend section 4, chapter 425, in relation to agricultural and horticultural purposes, passed April 13, 1855."

"An act to amend an act incorporating the village of Salem, in the county of Washington, and the several acts amending the same."

Ordered, That the Clerk return said bills to the Assembly.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to amend an act entitled 'An act in relation to draining certain lands in the town of Cicero, in the county of Onondaga,' passed April 16, 1858."

"An act for the relief of the widow and children of Joseph Sayres, deceased."

"An act to authorize B. D. Carpenter and others to build a draw bridge over James creek."

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Fiero, the Senate took a recess until 4 o'clock.

FOUR O'CLOCK.

The Senate again met, and went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

By unanimous consent, Mr. Rotch moved that the committee of whole be discharged from the further consideration of the Assembly bills entitled as follows, and that the same be recommitted to the committee on the judiciary, to report complete, to wit:

"An act to provide for the compensation of the clerk of the courts of record in the county of Herkimer."

"An act to provide for the publication of legal notices in the county of Hamilton."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to authorize the construction of a railroad on Long Island, from the village of Huntington to a point on the East river, in the vicinity of Hunter's point," and that it be recommitted to the committee on railroads, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to incorporate the Schoharie Valley Stock Growers' Association," and that it be recommitted to the committee on agriculture, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment:

"An act to amend section 37, article 2, title 4, chapter 2, of part 4 of the Revised Statutes, entitled 'Of indictments and proceedings thereon.'"

Ordered, That the Clerk deliver said bill to the Governor.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the protection of fish in the waters of the Genesee river, in the county of Allegany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act providing for the election of trustees of Spring Forrest Cemetery Association, and legalizing the acts of the trustees and other officers of said association," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Prosser, from the committee on canals, to which was referred the bill entitled "An act to provide for lengthening the locks upon the Erie and Oswego canals, without cost to the State," reported in favor of the passage of the same.

Mr. Truman moved to make said bill the special order for tomorrow evening, if not sooner reached.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the city of

Auburn to make, upon the faith and credit of said city, bonds in the aggregate amount of one hundred thousand dollars, to aid in the construction of a railroad from Sodus Bay, on Lake Ontario, to Homer, or some other point of intersection with the Syracuse and Binghamton railroad, and passing through the city of Auburn," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to 'The Supreme Court Library,'" with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Mrs. Anna E. Stannard," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of Herkimer in relation to the office of the police constable," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act in relation to Union village, in the county of Washington, and to amend the charter thereof," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the committee on internal affairs of towns and counties, upon the amendments of the Constitution relating to the excise laws, reported in favor of the adoption of the following resolution :

Resolved. That 1,000 extra copies of the report of the committee on the internal affairs of towns and counties, upon the amendment of the Constitution, relating to the excise laws, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to alter the commissioner's map of the city of Brooklyn," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide for the widening of 4th avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue,"

with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act incorporating the village of Jamestown," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York," reported the same for the consideration of the Senate.

Mr. Munroe moved that said bill be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Spinola offered the following resolution :

Resolved, That the committee on the internal affairs of town and counties, to which was referred the Assembly bill entitled "An act to provide for the opening of Paca avenue, in the county of Kings," be authorized to report the same complete.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bill entitled as follows :

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860."

After some time spent thereon, the President resumed the chair, and announced the special order, being the third reading of the bill entitled as follows :

"An act to create in the city and county of New York the department of public charities and correction, and to abolish the alms house department therein."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Richmond	Sessions
Bell	Ketcham	Munroe	Robertson	Warner
Ferry	Lapham	P. F. Murphy	Rotch	Williams
Fiero				

16

FOR THE NEGATIVE.

Blood	Gardiner	Manierre	Prosser	Spinola
Oolvin	Grant	Montgomery	Ramsey	Truman
Connolly	Kelly	J. M. Murphy		

13

Mr. Robertson moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, pending at the time the President resumed the chair.

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Sessions moved that the Senate now go into executive session.

Mr. Spinola moved to amend by adding the words "with open doors."

Mr. Warner called for a division of the question.

The President put the question whether the Senate would agree to so much as relates to open doors, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion to go into executive session, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, pending at the hour the Senate went into executive session.

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported that said committee found no quorum present, and directed their chairman to report that fact to the Senate.

The President directed the Clerk to call the roll, when the following Senators were found to be present:

Bell	Kelly	Manierre	P. P. Murphy	Sessions
Ferry	Ketcham	Montgomery	Prosser	Truman
Fiero	Lapham	Monroe	Ramsey	Warner
Goes	McGraw			

17

The Senate, in committee of the whole, then resumed the consideration of the special order.

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported progress on said bill, and asked leave to sit again.

Mr. Warner moved that the committee of the whole be discharged from the further consideration of said bill, and that it be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to charter the Beechwood Fair and Cattle Market," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act in relation to the Reservation Central plankroad in the

county of Erie," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prosser, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act to grant certain lands under water to George Bowman," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

"An act to authorize the Duryee and Forsyth Manufacturing company to mortgage its real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to incorporate the Western New York Agricultural, Horticultural and Mechanical Association," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Goss, and by unanimous consent, the rule was suspended, and said bill referred to the committee on agriculture, to report complete.

"An act to amend the 4th title of chapter 2d of part 4th of the Revised Statutes, entitled 'Of indictments and proceedings thereon,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prosser, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

"An act to amend the act authorizing the taking of additional lands for Central Park, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the trustees of school district number 21 of the town of Huntington to borrow money," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on literature, to report complete.

"An act to authorize the trustees of the First Baptist Church of Friendship, Allegany county, to sell and transfer certain property," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Truman, and by unanimous consent, the rule was suspended, and said bill referred to the committee on charitable and religious societies, to report complete.

"An act to amend an act entitled 'An act to incorporate the Peekskill Savings bank,' passed April 18, 1859," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule

was suspended, and said bill referred to the committee on banks, to report complete.

"An act to authorize the Flatbush Plankroad company, in Kings county, to allow a horse railroad track to be laid on their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Albany Turnverein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act making appropriations for certain expenses of government, for the year 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act in relation to an insane asylum connected with the poor house in the county of Genesee, and to enable the superintendent of the poor of said county to maintain actions, and recover pay for the care, maintenance and medical treatment of insane persons, at such asylum," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. P. P. Murphy, and by unanimous consent, the rule was suspended, and said bill referred to the committee on medical societies, to report complete.

"An act permitting the Buffalo and Allegany Valley Railroad company to extend their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act to authorize the laying of a rail track in Broadway, and through certain other streets in the city of Brooklyn and New Lots, in the county of Kings, passed April 17, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The President presented the report of the Commissioners of the Political Code, which was read and laid on the table.

On motion of Mr. Goss, the Senate adjourned.

WEDNESDAY, APRIL 11, 1860, 9 A. M.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Ketcham presented a remonstrance of merchants and ship owners of New York, against the passage of the bill for the better protection of steamboat piers, which was read and laid on the table.

By unanimous consent, Mr. Warner moved to take from the table the following resolution :

[SENATE JOURNAL.]

Resolved, (if the Assembly concur,) That the 20th joint rule of the Senate and Assembly, be suspended for the balance of the session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Fiero presented a remonstrance of the Republican Central Committee of Ulster county, against the proposed county of Highland, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Robertson offered the following resolution:

Resolved, (if the Assembly concur,) That the Governor of the State of New York, be and he is hereby authorized, directed and empowered to transmit to the Executives of other States, such laws and reports, records, Legislative and other documents, as he in his judgment may deem proper and expedient, in accordance with an act of Congress, passed June 30th, 1834, vesting the franking privilege, in certain cases, in the Governors of the several States.

Ordered, That said resolutions be laid on the table.

Mr. Richmond presented two petitions of citizens of Troy, asking for repeal of the death penalty, which were read and referred to the committee of the whole.

By unanimous consent, Mr. Abell moved that the Assembly bill entitled "An act for the relief of Samuel Skinner," be referred to the first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to amend chapter 315 of the laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to exempt certain property of physicians and surgeons from levy and sale under execution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey moved that the committee of the whole be discharged from the further consideration of the following entitled bills, and that the same be recommitted to respective committees, to report complete, to wit:

"An act to legalize and confirm the election of trustees and other village officers of the village of Gloversville, in the county of Fulton."

"An act authorizing the Albany, Schoharie and Rensselaer plank road company, to erect a toll gate on their road, west of the White-

hall road, in addition to their present gates, and to take certain tolls thereon."

"An act to legalize the election and confirm the acts of the officers of the village of Walton, Delaware county."

The President put the question whether the Senate would agree to said motion of Mr. Ramsey, and it was decided in the affirmative.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to incorporate the Rose Beneficent Association of the city of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Montgomery	Prosser	Robertson
Colvin	Grant	Munroe	Ramsey	Rotch
Ferry	Ketcham	P. P. Murphy	Richmond	Warner
Fiero	McGraw			

17

FOR THE NEGATIVE.

Truman

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. P. P. Murphy, from the committee on medical societies, to which was referred the Assembly bill entitled "An act in relation to an insane asylum connected with the poor house in the county of Genesee, and to enable the superintendent of the poor of said county to maintain actions and recover pay for the care, maintenance and medical treatment of insane persons at such asylum," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad on Long Island, from the village of Huntington to a point on the East river, in the vicinity of Hunter's Point," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to enable the Hamilton County Agricultural Society to draw one hundred dollars of public money for agricultural purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Schoharie Valley Stock Growers' Association," with power to report

complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the publication of legal notices in the county of Hamilton," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the compensation of the crier of the courts of record in the county of Herkimer," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to the Reservation Central Plank road, in the county of Erie," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the Flatbush Plankroad company, in Kings county, to allow a horse railroad track to be laid on their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same," reported in favor of the passage of the same.

On motion of Mr. Lapham, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. McGraw, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the trustees of school district number 21, of the town of Huntington, to borrow money," with power to report complete; reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to widen and improve Bushwick avenue and Morrell street, in the city of Brooklyn," reported in favor of the passage of the same, with amendments.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the laying out and establishing Deltz street, in the village of Oneonta, in the county of Otsego," reported in favor of the

passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act amendatory of an act entitled 'An act in relation to sewerage and drainage in the city of Brooklyn,' passed April 15, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Albany Turnverein," reported in favor of the passage of the same.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to encourage the construction of side walks in the village of Unadilla, Otsego county," reported in favor of the passage of the same.

On motion of Mr. Rotch, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the act authorizing the taking of lands for Central Park, in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize and confirm the election of trustees and other village officers of the village of Gloversville," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the election and confirm the acts of the officers of the village of Walton, Delaware county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Albany Turnverein," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act to authorize the laying of a rail track in Broadway, and through certain other streets in the city of Brooklyn and New

Lots, in the county of Kings,' passed April 17, 1858," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Bell, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to authorize the Duryee and Forsyth Manufacturing company to mortgage its real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received, requesting the concurrence of the Senate to the following resolution:

Resolved, (if the Senate concur,) That a commission be appointed to consist of the following persons, to wit: William C. Bryant, Robert B. Minturn, Mason F. Cogswell, Alexander Hamilton, Jr., and Alfred Pell, for the purpose of making an examination into the system of prison discipline in this State, with a view of ameliorating the condition of discharged prisoners, and aiding them to reform their lives; and that said commissioners be and they are hereby authorized to visit the prisons of the State, and to make such investigations as they may deem necessary for that purpose, and to require such aid and information from the officers of said prisons as in their opinion shall be requisite, and to make a report thereon to the Legislature at its next session. Provided, however, that said commissioners shall not be entitled to any compensation whatever for their services or expenses.

Ordered, That said resolution be laid on the table.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to provide for completing the bridge across the Esopus creek, near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster," with the following amendment:

Sec. 1, lines 5 and 6, engrossed bill, strike out the words "with consent of a majority of voters at any regular or special town meeting."

Mr. Fiero moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	P. P. Murphy	Robertson
Bell	Goss	McGraw	Prosser	Retch
Blood	Grant	Manierre	Ramsey	Spinola
Colvin	Kelly	Montgomery	Richmond	Warner
Ferry	Ketcham	Munroe		

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to establish and maintain a steamboat ferry between Greenport and Sag Harbor, in the county of Suffolk," with the following amendment:

Strike out all after the enacting clause, and insert the following :

SEC. 1. It shall be lawful for Stephen Haynes, Samuel H. Townsend and David S. Mills, their heirs and assigns, to establish and maintain a ferry between Sag Harbor and Greenport, with the privilege of running to Riverhead, and all other intermediate landings as they are now or may hereafter be established, on Peconic bay in the county of Suffolk, for the purpose of carrying passengers, goods and merchandise, and performing any other service generally performed by any other steam vessels.

§ 2. The said Stephen Haynes, Samuel H. Townsend and David S. Mills, their heirs and assigns, shall provide one or more safe, substantial and commodious steamboats, and shall run the same regularly between Sag Harbor and Greenport, going and returning at least once every day in the year (Sundays excepted), unless prevented by stress of weather or ice, and during the months of July and August, shall, on Saturdays of each week, make at least two trips per day, and shall be authorized to charge and receive for each passenger conveyed on said ferry, during the three winter months, a sum not exceeding seventy-five cents, and during the other nine months of the year a sum not exceeding fifty cents, and for each passenger when returning on the same day, a sum not exceeding twenty-five cents for the return passage; and for all horses or cattle, a sum not exceeding one dollar each; for every carriage or wagon, a sum not exceeding one dollar each, and for every barrel of flour or apples and all other barrels, commonly designated as dry barrels, twelve and one-half cents each; for all barrels of liquor, molasses and all other barrels not designated as dry barrels, fifteen cents each; and for fresh fish, meats, poultry in boxes or barrels, twelve and one-half cents per one hundred pounds.

§ 3. If the said Stephen Haynes, Samuel H. Townsend and David S. Mills, their heirs or assigns, shall take, exact or receive any higher or greater rate or price of ferriage than herein authorized, or shall neglect or refuse to run said boat or boats as herein required, or to convey, for said prices, any person or persons desiring to be so conveyed, they shall forfeit and pay to the party or parties injured for every such offence the sum of five dollars, to be recovered with costs in any court having cognizance thereof.

§ 4. No person or persons, other than those herein named, their heirs or assigns, shall after the establishment of the ferry herein provided, set up, establish, keep or maintain any steam ferry, nor shall convey, nor transport, by steamboat, any person or persons, goods or chattels, for hire or pay, between Sag Harbor and Greenport, and every such person or persons shall, for each violation of this act, forfeit and pay to the said Stephen Haynes, Samuel H. Townsend and David S. Mills, their heirs or assigns, the sum of five dollars for each and every person or article so conveyed or transported, to be recovered in any court having cognizance thereof.

§ 5. Nothing in this act contained shall prohibit steamboats

running between Sag Harbor and New York, touching at Greenport and Orient, from transporting passengers between Sag Harbor and Greenport at the rates named in this act, provided that one-half of the passage money so received shall be paid over to the corporators named in this act, their heirs or assigns, by the owners or charterers of said steamboats, or the parties interested therein, which amount is to be paid over at least once in each month, and in default of such payment, or any part thereof, the owners or charterers of said steamboats, or the parties interested therein, shall be held liable to a fine of five dollars for each and every person transported by them between the places above named, which may be sued for and recovered in any court having cognizance thereof.

§ 6. This privilege is granted for the term of twenty-one years from the first day of May next.

§ 7. This act shall take effect immediately.

Amend the title so as to read as follows:

"An act to establish and maintain a steam ferry between Sag Harbor, Greenport and Riverhead, in the county of Suffolk."

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	McGraw	P. P. Murphy	Rotch
Colvin	Kelly	Manierre	Prosser	Spinola
Ferry	Ketcham	Montgomery	Richmond	Truman
Fiero	Lapham	Munroe	Robertson	Warner
Goss				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill:

"An act to repeal the act entitled 'An act to abolish tolls on railroads,' passed July 10, 1851," which was read the first time, and by unanimous consent was also read the second time.

Mr. Prosser moved that said bill be referred to the committee of the whole, and made the special order this evening, at 8 o'clock.

Mr. Spinola moved to amend, so as to refer said bill to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Prosser, and it was decided in the affirmative.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to widen and improve Bushwick avenue and Morrell street, in the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Assembly bill entitled "An act to alter the map of the late village of Williamsburgh, now city of Brooklyn, by striking out a part of a street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Colvin	Grant	McGraw	Prosser	Rotch
Ferry	Kelly	Montgomery	Richmond	Spinola
Fiero	Ketcham	Munroe	Robertson	Warner
Goss	Lapham	P. P. Murphy		

18

FOR THE NEGATIVE.

Bell

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Southold Savings bank,' passed April 7, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	P. P. Murphy	Robertson
Colvin	Kelly	Montgomery	Prosser	Rotch
Ferry	Ketcham	Munroe	Ramsey	Spinola
Fiero	Lapham	J. M. Murphy	Richmond	

19

FOR THE NEGATIVE.

Warner

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to incorporate the Rhinebeck Savings bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	McGraw	J. M. Murphy	Robertson
Colvin	Kelly	Manierre	P. P. Murphy	Rotch
Ferry	Ketcham	Montgomery	Prosser	Spinola
Goss	Lapham	Munroe	Richmond	Truman

20

FOR THE NEGATIVE.

Warner

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the city of Auburn to make, upon the faith and credit of said city, bonds in the aggre-

gate amount of one hundred thousand dollars, to aid in the construction of a railroad from Sodus Bay, on Lake Ontario, to Homer, or some other point of intersection with the Syracuse and Binghamton railroad, and passing through the city of Auburn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Munroe	Rotch
Colvin	Grant	McGraw	P. P. Murphy	Sessions
Ferry	Kelly	Manierre	Prosser	Spinola
Fiero	Ketcham	Montgomery	Robertson	Warner

20

FOR THE NEGATIVE.

Truman

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The third reading of the Assembly bill entitled "An act for the loaning of certain moneys to the Antwerp Liberal Literary Institute," having been announced,

Mr. Truman moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Colvin	Grant	Manierre	Rotch	Truman
Fiero	Ketcham	Richmond	Sessions	

9

FOR THE NEGATIVE.

Bell	Ferry	Lapham	J. M. Murphy	Robertson
Blood	Goss	McGraw	P. P. Murphy	Warner
Connolly	Kelly	Munroe	Prosser	

14

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Kelly	Montgomery	P. P. Murphy	Spinola
Connolly	McGraw	Munroe	Prosser	Warner
Ferry	Manierre	J. M. Murphy	Robertson	Williams
Goss				

16

FOR THE NEGATIVE.

Blood	Fiero	Ketcham	Rotch	Truman
Colvin	Grant	Richmond	Sessions	

9

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act requiring the justices of the peace in the several towns in Monroe and Niagara counties, and the

police justices in the city of Rochester, to report annually to the board of supervisors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Montgomery	Prosser	Sessions
Colvin	Grant	Munroe	Richmond	Truman
Connolly	Kelly	J. M. Murphy	Robertson	Warner
Ferry	Ketcham	P. P. Murphy	Rotch	Williams
Fiero	McGraw			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the clerk of the county of Genesee to transcribe so much of the records of Ontario county as relates to lands in the county of Genesee," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	J. M. Murphy	Rotch
Blood	Goss	McGraw	P. P. Murphy	Sessions
Colvin	Grant	Manierre	Prosser	Truman
Connolly	Kelly	Montgomery	Richmond	Warner
Ferry	Ketcham	Munroe	Robertson	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the board of supervisors of the county of Kings to build a court house for said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Ferry	Ketcham	P. P. Murphy	Spinola
Blood	Fiero	Lapham	Robertson	Truman
Colvin	Grant	McGraw	Rotch	Warner
Connolly	Kelly	J. M. Murphy	Sessions	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The third reading of the bill entitled "An act to provide for the improvement of the navigation of the East river," having been announced,

Mr. Truman moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Manierre moved to recommit, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	McGraw	Munroe	Richmond	Warner
Fiero	Manierre	P. P. Murphy	Truman	Williams
Goss	Montgomery	Prosser		

12

FOR THE NEGATIVE.

Blood	Grant	Lapham	Ramsey	Sessions
Connolly	Kelly	J. M. Murphy	Robertson	Spinola
Ferry				

11

The Assembly bill entitled "An act for the protection of the proprietor or proprietors of Young's lake, in Florida, Montgomery county, in the production and preservation of fish in said lake," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	J. M. Murphy	Robertson
Blood	Kelly	Manierre	P. P. Murphy	Sessions
Connolly	Ketcham	Montgomery	Prosser	Spinola
Ferry	Lapham	Munroe	Richmond	Warner
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act for the more effectual draining of certain swamp and low land in the towns of Pine Plains and Stanford, in the county of Dutchess,' passed April 14, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	J. M. Murphy	Robertson
Blood	Grant	Manierre	P. P. Murphy	Sessions
Connolly	Kelly	Montgomery	Prosser	Warner
Ferry	Ketcham	Munroe	Richmond	Williams
Fiero	Lapham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to authorize the board of supervisors of Cattaraugus county to change the site of the poor house in said county and to sell the poor house farm," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	P. P. Murphy	Sessions
Blood	Grant	Montgomery	Prosser	Truman
Connolly	Kelly	Munroe	Ramsey	Warner
Ferry	Ketcham	J. M. Murphy	Robertson	Williams
Fiero	Lapham			

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the sale of the Montgomery county poor house farm and property," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Prosser	Spinola
Blood	Grant	Montgomery	Ramsey	Truman
Connolly	Kelly	Munroe	Robertson	Warner
Ferry	Ketcham	J. M. Murphy	Rotch	Williams
Fiero	Lapham	P. P. Murphy		

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to incorporate Rescue Fire Engine company No. 1, of the village of Tarrytown, town of Greenburgh, Westchester county, State of New York," having been announced,

Mr. Robertson moved that said bill, be recommitted to the committee on the internal affairs of towns and counties, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act for the relief of Margaret Zapf and Joseph Velkl, heirs of George Enselein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Montgomery	Ramsey	Sessions
Blood	Goss	Munroe	Richmond	Spinola
Colvin	Kelly	J. M. Murphy	Robertson	Truman
Connolly	Lapham	P. P. Murphy	Rotch	Warner
Ferry	McGraw	Prosser		

23

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to facilitate the collection of debts against corporations,' passed March 19, 1852," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Montgomery	Prosser	Sessions
Blood	Goss	Munroe	Ramsey	Truman
Colvin	Grant	J. M. Murphy	Richmond	Warner
Connolly	Kelly	P. P. Murphy	Rotch	Williams
Ferry				

21

FOR THE NEGATIVE.

Lapham

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

The Assembly bill entitled "An act to authorize the Genesee County Agricultural Society to sell and convey certain real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	Montgomery	Ramsey	Spinola
Colvin	Kelly	Munroe	Richmond	Truman
Connolly	Lapham	J. M. Murphy	Robertson	Warner
Ferry	McGraw	P. P. Murphy	Rotch	Williams
Fiero	Manierre	Prosser	Sessions	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to amend the Revised Statutes in respect to county clerks and clerks of courts of record," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Ferry	Ketcham	J. M. Murphy	Robertson
Blood	Fiero	Lapham	Prosser	Sessions
Colvin	Goss	Manierre	Ramsey	Spinola
Connolly	Kelly	Montgomery	Richmond	Warner

20

FOR THE NEGATIVE.

Munroe Truman

Williams

3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to confirm the title of a certain piece of land to John A. Winkel," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	McGraw	P. P. Murphy	Sessions
Blood	Goss	Manierre	Prosser	Spinola
Colvin	Kelly	Montgomery	Ramsey	Truman
Connolly	Ketcham	Munroe	Richmond	Warner
Ferry	Lapham	J. M. Murphy	Robertson	Williams

25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to authorize the publication of the Revised Statutes of the State of New York," having been announced,

Mr. Truman moved to recommit said bill to the committee on the judiciary.

Mr. Prosser moved to amend by adding "with power to report complete."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative.

The Assembly bill entitled "An act to extend York street, in the city of Brooklyn, from James street to Fulton street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	Lapham	P. P. Murphy	Sessions
Colvin	Grant	Montgomery	Prosser	Spinola
Connolly	Kelly	Munroe	Robertson	Truman
Ferry	Ketcham	J. M. Murphy	Rotch	Warner
Fiero				

21

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to incorporate the Carmanville bridge company of the town of Binghamton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Blood	Kelly	Montgomery	Prosser	Spinola
Colvin	Ketcham	Munroe	Robertson	Truman
Connolly	Lapham	J. M. Murphy	Rotch	Warner
Goss	Manierre	P. F. Murphy	Sessions	Williams
Grant				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act declaring the easterly branch of the St. Regis river a public highway," having been announced,

Mr. Truman moved to recommit said bill to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

A message from the Assembly was received, requesting the concurrence of the Senate to the following resolution:

Resolved, (if the Senate concur,) That 1,000 copies of the Transactions of the State Agricultural Society be printed for the State Agricultural Society; 25 copies for each member and officer of the Legislature; 15 copies for each reporter of the Legislature; 20 copies for each county agricultural society, in counties electing one member of Assembly, and a proportionate additional number in counties electing more than one member of Assembly; 10 copies for each town and each union agricultural society, and 50 copies for the Regents of the University. And that said report be printed and bound in the same manner as last year, and be distributed, in accordance with the foregoing resolution, without delay.

Ordered, That said resolution be laid on the table.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend an act entitled 'An act concerning the Salt Springs and the manufacture of Salt,' passed April 15, 1859," with the following amendments:

Sec. 2, line 23, after word "fifty" strike out word "eight", and insert in lieu thereof the word "seven."

Line 27, same section, after word "sixty" strike out the word "one" and insert "two."

Mr. Munroe moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Lapham	J. M. Murphy	Richmond	Spinola
Ferry	Manierre	P. F. Murphy	Robertson	Truman
Fiero	Montgomery	Prosser	Rotch	Warner
Goss	Munroe	Ramsey	Sessions	Williams

20

Ordered that the Clerk return said bill to the Assembly, with a

message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act in addition to the act entitled 'An act to incorporate the Hebrew Benevolent Society of the city of New York,' passed February 2, 1832," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Manierre	Prosser	Rotch
Blood	Grant	Montgomery	Ramsey	Sessions
Colvin	Ketcham	Munroe	Richmond	Truman
Ferry	Lapham	J. M. Murphy	Robertson	Warner
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to assess certain lands, being lots 54 to 77 inclusive, in the town of Carrolton, and all the lands in the town of Bucktooth, south of the Indian Reservation, to build a bridge across the Allegany river below the mouth of the Great Valley creek, in said town of Carrolton, near the Tuna lumber company's mill, and to improve the road each way from said bridge to the main roads connecting therewith in said towns," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Kelly	Manierre	P. P. Murphy	Rotch
Blood	Ketcham	Montgomery	Prosser	Sessions
Colvin	Lapham	Munroe	Ramsey	Warner
Fiero	McGraw	J. M. Murphy	Robertson	Williams
Goss				

21

FOR THE NEGATIVE.

Ferry

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the commissioners of highways of the town of Perrysburgh, in the county of Cattaraugus, to repair the highway road district number 1, in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Ketcham	Munroe	Richmond	Truman
Blood	McGraw	P. P. Murphy	Robertson	Warner

Fiero	Manierre	Prosser	Sessions	Williams	
Goss	Montgomery	Ramsey	Spinola		19

FOR THE NEGATIVE.

Rotch

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act in relation to school libraries in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Manierre	Prosser	Sessions	
Blood	Kelly	Montgomery	Ramsey	Truman	
Colvin	Ketcham	Munroe	Richmond	Warner	
Ferry	Lapham	J. M. Murphy	Robertson	Williams	
Fiero	McGraw	P. P. Murphy	Rotch		24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to extend the term of office of constables in the city of New York from one to two years," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Kelly	Montgomery	Prosser	Sessions	
Fiero	Lapham	Munroe	Robertson	Truman	
Goss	McGraw	J. M. Murphy	Rotch	Williams	
Grant	Manierre	P. P. Murphy			18

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act providing for the election of trustees of Spring Forrest Cemetery Association, and legalizing the acts of the trustees and other officers of said association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Prosser	Spinola	
Colvin	Grant	Manierre	Ramsey	Truman	
Connolly	Kelly	Montgomery	Robertson	Warner	
Ferry	Ketcham	Munroe	Sessions	Williams	
Fiero	Lapham				22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to amend an act to empower the Congregation B'Nai Jeshurun, of the city of New York, to change the number of their trustees, and to alter and protect their Cemetery, passed March 12, 1856," having been announced,

On motion of Mr. McGraw, and by unanimous consent, said bill was amended by inserting the words "are bounded" in the first section.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Grant	Montgomery	Ramsey	Spinola
Colvin	Kelly	Munroe	Richmond	Truman
Connolly	Ketcham	J. M. Murphy	Rotch	Warner
Fiero	Lapham	P. P. Murphy	Sessions	Williams
Goss	McGraw	Prosser		

23

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendment.

The Assembly bill entitled "An act in relation to 'The Supreme Court Library,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Goss	Munroe	Ramsey	Sessions
Colvin	Kelly	J. M. Murphy	Robertson	Spinola
Connolly	McGraw	P. P. Murphy	Rotch	Truman
Gardiner	Manierre	Prosser		

18

FOR THE NEGATIVE.

Bell	Grant	Lapham	Warner	Williams
Fiero	Ketcham			

7

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Colvin, from the committee on the judiciary, to which was recommended the bill entitled "An act to authorize the publication of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Spinola, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorise the laying of a rail track in Broadway, and through certain other streets in the city of Brooklyn and New Lots, in the county of Kings," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act declaring the easterly

branch of the St. Regis river a public highway," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre moved to take from the table the motion to reconsider the vote on the bill entitled "An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The third reading of the Assembly bill entitled "An act to amend the charter of the village of Herkimer in relation to the office of the police constable," having been announced,

On motion of Mr. Rotch, and by unanimous consent, said bill was amended by striking out the words "from and after the 1st day of April next," and inserting in lieu thereof "immediately."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Munroe	Richmond	Spinola
Colvin	Ketcham	J. M. Murphy	Robertson	Truman
Connolly	Lapham	Prosser	Rotch	Warner
Ferry	McGraw	Ramsey	Sessions	Williams
Goss	Montgomery			

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

The Assembly bill entitled "An act in relation to Union village, in the county of Washington, and to amend the charter thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Manierre	Ramsey	Spinola
Blood	Grant	Montgomery	Richmond	Truman
Colvin	Ketcham	Munroe	Robertson	Warner
Connolly	Lapham	J. M. Murphy	Rotch	Williams
Ferry	McGraw	Prosser	Sessions	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bibod	Ketcham	Munroe	Robertson	Spinola
Colvin	Lapham	J. M. Murphy	Rotch	Truman
Connolly	Manierre	Prosser	Sessions	Williams
Goss	Montgomery	Ramsey		

18

FOR THE NEGATIVE.

Bell	Ferry
------	-------

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to provide for the widening of Fourth avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	McGraw	Ramsey	Spinola
Colvin	Grant	Manierre	Robertson	Truman
Connolly	Kelly	Montgomery	Rotch	Warner
Fiero	Lapham	J. M. Murphy	Sessions	Williams

20

FOR THE NEGATIVE.

Ferry

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act incorporating the village of Jamestown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Munroe	Richmond	Spinola
Colvin	Goss	J. M. Murphy	Robertson	Truman
Connolly	Grant	P. P. Murphy	Rotch	Warner
Fiero	Montgomery	Prosser	Sessions	

19

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without mendment.

The bill entitled "An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	McGraw	Ramsey	Sessions
Blood	Grant	Manierre	Richmond	Spinola
Colvin	Ketcham	J. M. Murphy	Robertson	Truman
Fiero	Lapham	Prosser	Rotch	Williams
Gardiner				

21

FOR THE NEGATIVE.

Connolly	Ferry	Munroe
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3

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Brooklyn Medical and Surgical Institute," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	Munroe	Spinola
Blood	Gardiner	Lapham	Prosser	Truman
Colvin	Goss	McGraw	Rotch	Warner
Connolly	Grant	Montgomery	Sessions	Williams
Ferry	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The third reading of the Assembly bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860," having been announced,

On motion of Mr. Ferry, and by unanimous consent, said bill was amended by striking therefrom the following :

"To the managers of the New York State Lunatic Asylum, \$10,880, for the following purposes : To pay for forty-five and a half acres of land, \$4,550; to pay for forty-four lots adjoining the Asylum, \$1,830; to pay for steam pump and machinery, \$3,000; to pay for laying main gas pipes, \$1,500. The above items are explained in Senate Doc. No. 38, pages 6 and 7."

Mr. Truman moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Colvin	Fiero	Kelly	Sessions	Williams
Connolly	Grant	Rotch	Truman	

9

FOR THE NEGATIVE.

Bell	Lapham	Manierre	Prosser	Spinola
Goss	McGraw	Montgomery	Richmond	Warner
Ketcham				

11

Mr. Fiero moved to recommit said bill with instructions to amend by inserting the following :

"For the incorporated orphan asylums in this State, including

the orphan children in the alms' houses of this State (except the Leake and Watts asylum in the city of New York,) the Society for the Relief of Destitute Children of Seamen, in the county of Richmond, the Poughkeepsie Home of the Friendless, the Rochester Home of the Friendless, the Female Guardian society and Home for the Friendless in the city of New York, the Children's Aid society in the city of New York, the Nursery and Child's hospital in the city of New York, and the Albany Guardian society and Home of the Friendless, in proportion to the average number of children or women maintained and supported wholly, during the year previous to the making of their several reports, by each of them, which fact shall be proved by the testimony on oath of the principal officer of the asylum, the sum of thirty thousand dollars, but no asylum shall receive over four thousand dollars."

The President put the question whether the Senate would agree to said motion of Mr. Fiero, and it was decided in the negative.

On motion of Mr. Robertson, and by unanimous consent, said bill was amended by striking out in line 189, the words "twenty-five thousand" and inserting in lieu thereof "thirty seven thousand five hundred."

Mr. Ferry moved to recommit said bill with instructions to amend by striking out the following :

"For the New York Institution for the Blind, for printing and preparing the raised music, according to the plan of C. Mahony, professor of music in said institution, the sum of \$5,000, to be expended for this purpose under the supervision and direction of the officers and trustees of the institution."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Ketcham	Montgomery	Sessions	Warner	
Ferry	Lapham	Munroe	Truman	Williams	
Grant	McGraw	Richmond			13

FOR THE NEGATIVE.

Colvin	Gardiner	Manierre	Ramsey	Rotch	
Connolly	Goss	Promser	Robertson	Spinola	
Fiero	Kelly				12

Mr. Sessions, from the committee on finance, to which was recommitteed the Assembly bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860," with power to report complete, reported the same complete, amended as directed by the Senate, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin moved to recommit said bill to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Kelly	Ramsey	Rotch	
Fiero	Goss	Manierre			8

FOR THE NEGATIVE.

Bell	Lapham	Prosser	Sessions	Truman	13
Grant	Montgomery	Richmond	Spinola	Warner	
Ketcham	J. M. Murphy	Robertson			

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Kelly	Manierre	Prosser	Sessions	19
Fiero	Ketcham	Montgomery	Richmond	Truman	
Goss	Lapham	Munroe	Robertson	Warner	
Grant	McGraw	J. M. Murphy	Rotch		

FOR THE NEGATIVE.

Corvin	Spinola				2
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the following entitled bills:

"An act requiring the commissioners of excise of the several counties of this State, to report annually to the board of supervisors of the several counties."

"An act to authorize the construction of a railroad in 10th avenue, 42d street, and certain other avenues and streets of the city of New York."

"An act to provide for the inspection of steam boilers and engines, and their appurtenances, and regulating the use of the same, in the cities of New York and Brooklyn."

"An act to incorporate the Sag Harbor Savings bank."

"An act to amend an act to empower the Congregation B'Nai Jeshurun of the city of New York, to change the number of their trustees, and to alter and protect their Cemetery, passed March 12, 1856."

Ordered, That the Clerk return said bills to the Assembly.

A message from the Assembly was received, informing that they had non-concurred in the passage of the following entitled bill:

"An act to confirm the election of Thomas V. Russell, as district attorney for the county of St. Lawrence."

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to authorize the board of education of the city of Syracuse to dispose of gospel and school lot, in the first ward of said city."

"An act to confirm certain assessments made by the directors of the Delaware and Susquehanna Plankroad company, upon the amount subscribed to the capital thereof, for the payment of the debts against said company."

"An act in relation to the bank deposit, and custodian of public moneys in New York."

"An act to authorize the construction of a bridge across the mouth of Croton river."

"An act to amend an act entitled 'An act to amend an act to incorporate the Port Richmond and Bergen Point Ferry company,' passed April 17, 1857."

"An act to release to John Hall the title of this State, acquired by escheat, in and to certain lands in Westchester county."

"An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17, 1848."

"An act to allow the Syracuse and Tully Plankroad company, to appeal in certain cases."

"An act to provide for the manner of holding elections on the Cattaraugus and Allegany Reservations, in this State."

"An act referring the claim of Jacob D. Kingsland."

"An act to amend the charter of the Watertown and Rome Railroad company."

"An act to incorporate 'The Rose Beneficent Association of the city of New York.'"

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received, returning the following entitled bills :

"An act to provide for completing the bridge across the Esopus creek, near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster."

"An act to amend an act entitled 'An act concerning the Salt Springs and the manufacture of Salt,' passed April 15, 1859."

"An act to establish and maintain a steam ferry between Sag Harbor, Green Port and Riverhead, in the county of Suffolk."

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

SEVEN O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Prosser moved that the Assembly bill entitled "An act to provide for the speedy completion of sections number 20 and 21 of the Oswego canal enlargement," be made the special order for one o'clock, to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to incorporate the village of Yonkers,' passed April 12, 1855, and the act to amend the same,

and to extend the powers of the corporation of said village, passed April 17, 1857," with power to report complete, reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Manierre moved that the Assembly bill entitled "An act to confirm the title of certain real estate belonging to The General Society of Mechanics and Tradesmen of the city of New York," be recommitted to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Western New York Agricultural, Horticultural and Mechanical Association," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act in relation to the Colonial History of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act relative to lands held in trust by the executor and executrix of the last will and testament of Thomas Poole, deceased, for the use and benefit of Margaret H. Barr, for and during her natural life," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the highway between Wilmarth and Morehouse, in the county of Hamilton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the mayor, aldermen and commonalty of the city of New York to continue East street," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Connolly, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

"An act to repeal the act entitled 'An act in relation to the payment of fare upon the New York Central railroad,' passed April 1, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to enable the supervisors of the county of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act in relation to certain highway takes in the counties of

Warren, Essex and Hamilton," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lapham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act to provide the means to support the government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to revive an act to provide for laying out and constructing the Warren and Hamilton county road," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lapham, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

Mr. Ferry, from the select committee of eight, reported the following entitled bills as proper to be taken from the general orders and recommitted to the standing committees reporting them, with power to report complete, to wit:

"An act to authorize the Duryee and Forsyth Manufacturing company to mortgage its real estate."

"An act to authorize the laying out and establishing Deitz street, in the village of Oneonta, in the county of Otsego."

"An act for the preservation of fish in certain bays and streams in the county of Monroe."

"An act to provide for the more effectual insurance of school houses."

"An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for the support of roads and bridges, and to provide for increased compensation of commissioners of highways and other town officers,' passed April 15, 1857."

"An act to authorize the publication of the Revised Statutes of the State of New York."

The President put the question whether the Senate would agree to the report of the committee, on all except the last named bill, and it was decided in the affirmative.

Ordered, That said bills be recommitted to the appropriate committees, with power to report complete.

Mr. Truman moved to lay the question on agreeing to report of committee on the last named bill, on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Fiero	McGraw	Munroe	Roteh	Truman	
Lapham	Manierre	Richmond	Spinola	Warner	10

FOR THE NEGATIVE.

Colvin	Ferry	Ketcham	Robertson	Sessions	
Connolly	Goss	Prosser			8

Mr. Ferry, from the committee on banks, to which was referred

the Assembly bill entitled "An act in relation to the Reciprocity bank," reported in favor of the passage of the same.

On motion of Mr. Prosser, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Peekskill Savings bank,' passed April 18, 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for the support of roads and bridges, and to provide for increased compensation of commissioners of highways and other town officers,' passed April 15, 1867," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the preservation of fish in certain bays and streams in the county of Monroe," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act authorizing the mayor, aldermen and commonalty of New York to continue East street," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the title of certain real estate belonging to The General Society of Mechanics and Tradesmen of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to exempt certain property of physicians and surgeons from levy and sale under execution," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 315 of the laws of 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to authorize the Duryee and Forsyth Manufacturing company to mortgage its real estate," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on literature, to which was re-

ferred the Assembly bill entitled "An act to provide for the more effectual insurance of school houses," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ferry, from the committee on banks, to which was referred the Assembly bill entitled "An act in relation to the Reciprocity bank," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Colvin moved that the Assembly bill entitled "An act to abolish capital punishment, and to provide for the more certain punishment of the crime of murder," be made the special order for this evening, at 7½ o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The hour of 7½ o'clock having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows:

"An act to provide for lengthening the locks upon the Erie and Oswego canals, without cost to the State."

Assembly bill "An act to abolish capital punishment, and to provide for the more certain punishment of the crime of murder."

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

Mr. Warner moved that the last named bill be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bills entitled as follows:

"An act to repeal the act entitled 'An act to abolish tolls on railroads,' passed July 10, 1851."

After some time spent thereon, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of said bill, with amendments.

Mr. Warner moved to strike out the amendment made in committee of the whole, being in the words following:

"The 7th section of the act entitled 'An act to authorize the consolidation of certain railroad companies, passed April 2, 1853,' under which the said company was organized, is hereby repealed, and thenceforth the said company may demand and receive the like compensation for carrying passengers on its road as is fixed and allowed in and by the general railroad law, being an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner	
Ferry	Montgomery	Prosser	Rotch	Williams	
Goss	Munroe	Ramsey			13

FOR THE NEGATIVE.

Abell	Connolly	Hammond	Lapham	Robertson	
Blood	Gardiner	Kelly	Manierre	Sessions	
Colvin	Grant	Ketcham	J. M. Murphy	Spinola	15

Pending the question on agreeing to report of committee,

Mr. Rotch moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	Montgomery	Richmond	Spinola	
Blood	Kelly	Munroe	Rotch	Warner	
Ferry	Lapham	P. P. Murphy	Sessions	Williams	
Goss	McGraw	Ramsey			18

FOR THE NEGATIVE.

Abell	Connolly	Grant	J. M. Murphy	Prosser	
Colvin	Gardiner	Manierre			8

The Senate then adjourned.

THURSDAY, APRIL 12, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

By unanimous consent, Mr. Warner moved that the Assembly bill entitled "An act authorizing the Canal Commissioners to pay for the construction of a bridge across the Oswego canal, in the town of Volney," be made the special order for half-past one, to-day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment :

"An act to authorize the treasurer of Monroe county to collect certain taxes."

"An act to incorporate the Oswégatchie Fair Ground company."

"An act relative to the county treasurer of the county of Rensselaer."

"An act to incorporate the gymnasium of the Brooklyn Young Men's Christian Association."

"An act in relation to the collection of county taxes in the city of Rochester, in the county of Monroe."

"An act in relation to police and courts in the city of New York."

Ordered, That the Clerk deliver said bills to the Governor.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to

authorize the laying out and establishing Deitz street, in the village of Oneonta, in the county of Otsego," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to establish an exterior line in the city of New York, upon the Harlem river, between the First avenue and the Third avenue, and to alter and set back the line prescribed therefor by the act of April 17, 1857, chapter 763," reported in favor of the passage of the same.

On motion of Mr. Manierre, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to encourage the construction of sidewalks in the village of Unadilla, Otsego county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the trustees of the First Baptist Church of Friendship, Allegany county, to sell and transfer certain property," reported adversely thereto, which report was agreed to, and said bill rejected.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to provide for the management, supervision and care of the poor of the city and county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to provide for the construction of a culvert under the Champlain canal, in the town of Stillwater, Saratoga county,' passed April 18, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act for the relief of Nehemiah Berry and Maria Hunn Berry, his wife," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act releasing the interests of the State in lands heretofore held by Peter Gates, late of the town of New Utrecht, in the county of Kings, deceased," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

"An act to release the interest of the State in certain real estate of which William Lawson died seized," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike Road company,' passed April 14, 1859."

"An act to amend the act entitled 'An act to incorporate the village of Lyons, passed April 17, 1854,' and the acts amending the same."

"An act to extend the term for the completion of the Lebanon Springs railroad"

"An act authorizing the reports of the male and female departments of State Prisons to be made separately."

"An act to amend the act entitled 'An act to authorize the commissioners of highways to build a bridge over the south branch of the Black river, in the village of Watertown,' passed April 11, 1859."

"An act authorizing the town of Yonkers to raise money by loan to macadamize the Albany Post road from King's Bridge to Yonkers, and to plank the causeway leading from King's Bridge to Spuyten Duyvil Bridge."

"An act to extend the time for finishing and putting in operation the Sodus Point and Southern railroad."

Ordered, That the Clerk deliver said bills to the Governor.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the trustees of the First Society of the Methodist Episcopal Church in the town of Freedom, in the county of Cattaraugus, and State of New York, to sell and dispose of their land," reported adversely thereto, which report was agreed to, and said bill rejected.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," with the following amendments:

"After the word 'debtors' in the 4th line of section 1, engrossed bill, strike out the balance of the section.

Strike out the first line of section 2, and add the balance of sec. 2 to sec. 1.

Sec. 4, line 4, strike out the words "or surrogate."

Sec. 4, line 7, strike out the words "or surrogate;" also, in lines 9 and 10, strike out the words "or surrogate."

At the end of same section add the words "which bonds shall be filed in the county clerk's office when the assignment is recorded."

Sec. 5, lines 2 and 3, strike out the words "or surrogate." Same section, line 10, strike out the words "or surrogate." Same section, line 19, strike out the words "or surrogate."

Sec. 6, line 3, after the word "judge" strike out the words "or surrogate."

Line 5, same section, after the word "judge" strike out the word "surrogate."

Line 6, same section, after the word "prosecuted" insert the words "in the name of the people, by the district attorney of the county where the said bond is filed."

Change the number of the sections to correspond.

Mr. Ramsey moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Manierre	Prosser	Sessions
Bell	Goss	Montgomery	Ramsey	Spinola
Blood	Hammond	Munroe	Richmond	Truman
Colvin	Ketcham	J. M. Murphy	Rotch	Warner
Connolly	McGraw			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act relating to wills," with the following amendments:

Section 1, line 5, engrossed bill, strike out the word "fourth" and insert in lieu thereof the word "half."

Line 8, same section, strike out "fourth" and insert "half," and after the word "more" strike out the balance of the section.

Mr. Truman moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	J. M. Murphy	Rotch
Bell	Goss	Manierre	Prosser	Spinola
Blood	Hammond	Montgomery	Ramsey	Truman
Colvin	Ketcham	Munroe	Richmond	Warner
Connolly				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act to incorporate the Schoharie Valley Stock Growers' Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	McGraw	J. M. Murphy	Rotch
Bell	Fiero	Manierre	Prosser	Spinola
Blood	Goss	Montgomery	Ramsey	Truman
Colvin	Hammond	Munroe	Richmond	Warner
Connolly	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the construction of a railroad on Long Island, from the village of Huntington to a

point on the East river, in the vicinity of Hunter's Point," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Montgomery	Ramsey	Rotch
Bell	Fiero	Munroe	Richmond	Spinola
Blood	Hammond	J. M. Murphy	Robertson	Warner
Colvin	Ketcham	Prosser		

18

FOR THE NEGATIVE.

Ferry	Goss	Manierre		
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5

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to provide for the publication of legal notices in the county of Hamilton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Ketcham	J. M. Murphy	Robertson
Bell	Ferry	Manierre	Prosser	Rotch
Blood	Fiero	Montgomery	Ramsey	Warner
Colvin	Hammond	Munroe	Richmond	

19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to provide for the compensation of the crier of the courts of record in the county of Herkimer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	J. M. Murphy	Robertson
Bell	Fiero	Manierre	Prosser	Rotch
Blood	Goss	Montgomery	Ramsey	Spinola
Colvin	Hammond	Munroe	Richmond	Warner
Connolly				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in relation to the Reservation Central Plankroad in the county of Erie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	Munroe	Richmond
Bell	Ferry	Ketcham	J. M. Murphy	Robertson
Blood	Fiero	Manierre	Prosser	Rotch
Colvin	Goss	Montgomery	Ramsay	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the trustees of school district number 21, of the town of Huntington, to borrow money," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	J. M. Murphy	Robertson
Bell	Fiero	McGraw	Prosser	Rotch
Blood	Goss	Manierre	Ramsay	Sessions
Colvin	Grant	Montgomery	Richmond	Warner
Connolly	Hammond	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to legalize and confirm the election of trustees and other village officers of the village of Gloversville, in the county of Fulton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Rotch
Bell	Fiero	McGraw	J. M. Murphy	Sessions
Colvin	Goss	Manierre	Richmond	Spinola
Connolly	Hammond	Montgomery	Robertson	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of New York to continue East st.," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Connolly	Goss	Ketcham	Sessions
Blood	Fiero	Grant	Richmond	Spinola
Colvin	Gardiner	Hammond	Robertson	Truman

16

FOR THE NEGATIVE.

Abell	McGraw	Montgomery	J. M. Murphy	Warner
Ferry	Manierre	Munroe	Rotch	

9

Mr. Spinola moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to legalize the election and confirm the acts of the officers of the village of Walton, Delaware county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Goss	Manierre	Richmond
Bell	Ferry	Hammond	Montgomery	Robertson
Blood	Fiero	Ketcham	Munroe	Sessions
Colvin	Gardiner	McGraw	Ramsey	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in relation to an insane asylum connected with the poor house in the county of Genesee, and to enable the superintendent of the poor of said county to maintain actions, and recover pay for the care, maintenance and medical treatment of insane persons, at such asylum," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Goss	Manierre	P. P. Murphy
Bell	Ferry	Hammond	Montgomery	Ramsey
Blood	Fiero	Ketcham	Munroe	Spinola
Colvin	Gardiner	McGraw		

18

Mr. Spinola moved to reconsider said vote.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Said bill was again read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE

Abell	Gardiner	McGraw	J. M. Murphy	Robertson
Bell	Goss	Manierre	P. P. Murphy	Rotch
Blood	Hammond	Montgomery	Prosser	Spinola
Colvin	Lapham	Munroe	Ramsey	Warner
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the bill entitled "An act to divide the sixth judicial district of the city of New York," having been announced,

Mr. J. M. Murphy moved to recommit said bill, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood Colvin	Connolly Gardiner	Grant	J. M. Murphy	Spinola	7
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FOR THE NEGATIVE.

Abell	Hammond	Manierre	Prosser	Rotch	
Bell	Ketcham	Montgomery	Ramsey	Sessions	
Fiero	Lapham	Munroe	Robertson	Warner	
Goss	McGraw	P. P. Murphy			18

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Rotch	
Bell	Hammond	Manierre	Prosser	Sessions	
Ferry	Ketcham	Montgomery	Ramsey	Warner	
Fiero	Lapham	Munroe	Robertson		19

FOR THE NEGATIVE.

Blood Colvin	Connolly Gardiner	Grant	J. M. Murphy	Spinola	7
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Lapham, from the committee on roads and bridges, to which was referred the bill entitled "An act to revive an act to provide for laying out and constructing the Warren and Hamilton county road," reported in favor of the passage of the same.

On motion of Mr. Blood, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to certain highway taxes in the counties of Warren, Essex and Hamilton," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the Albany, Schoharie and Rensselaerville Plankroad company, to erect a toll gate on their road, west of the Whitehall road, in addition to their present gates, and to take certain tolls thereat," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to constitute the village of Farmersville, in the county of Seneca, a separate road district, and to regulate the same," with power to report complete,

reported the same complete, with an amendment, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Truman, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Sessions
Bell	Fiero	Lapham	J. M. Murphy	Spinola
Blood	Gardiner	McGraw	P. P. Murphy	Truman
Colvin	Goss	Manierre	Prosser	Warner
Connolly	Hammond	Montgomery	Robertson	Williams

25

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act for the relief of Mrs. Anna E. Stannard," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	J. M. Murphy	Robertson
Blood	Gardiner	Lapham	P. P. Murphy	Sessions
Colvin	Goss	Montgomery	Prosser	Spinola
Connolly	Grant	Munroe	Ramsey	Warner
Ferry	Hammond			

22

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. J. M. Murphy moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of New York to continue East street."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	Ramsey	Sessions
Blood	Goss	McGraw	Richmond	Spinola
Colvin	Grant	Manierre	Robertson	Truman

Connolly Fiero	Hammond Ketcham	Munroe J. M. Murphy	Rotch	Warner	22
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FOR THE NEGATIVE.

Abell	P. P. Murphy	Prosser	Williams	4
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to make separate road districts of the second and third election districts of the town of Southfield, and the first and second election districts of the town of Castleton, in the county of Richmond, and to provide for draining the same," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to the highway between Wilmarth and Morehouse, in the county of Hamilton," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Hammond moved that the Assembly bill entitled "An act to amend chapter 315 of the laws of 1859," be recommitted to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to widen and improve Bushwick avenue and Morrell street, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Ketcham	Montgomery	Robertson	
Blood	Gardiner	Lapham	Munroe	Spinola	
Connolly	Hammond	Manierre	Ramsey	Warner	15

FOR THE NEGATIVE.

Ferry	McGraw	Williams			3
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Mr. Spinola moved to reconsider the vote on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was again read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Kelly	Montgomery	Robertson	
Blood	Gardiner	Ketcham	Munroe	Rotch	
Colvin	Goss	McGraw	P. P. Murphy	Spinola	

Connolly
Ferry

Grant
Hammond

Manierre

Prosser

Warner

22

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

Mr. Hammond, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 315 of the laws of 1859," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Hammond, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell
Blood
Colvin
Connolly
Ferry

Fiero
Gardiner
Goss
Hammond
Kelly

Ketcham
Lapham
McGraw
Manierre
Montgomery

Munroe
P. P. Murphy
Prosser
Ramsey
Robertson

Rotch
Spinola
Warner
Williams

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to establish an exterior line in the city of New York, upon the Harlem river, between the First avenue and the Third avenue," with power to report complete, reported the same complete.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the negative.

The Assembly bill entitled "An act to amend the act entitled 'An act to incorporate the village of Yonkers, passed April 12, 1855,' and the act to amend the same and to extend the powers of the corporation of said village, passed April 17, 1857," was read a third third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell
Blood
Colvin
Connolly
Ferry

Fiero
Gardiner
Goss
Hammond
Ketcham

Lapham
McGraw
Manierre
Montgomery
Munroe

P. P. Murphy
Prosser
Ramsey
Robertson

Rotch
Spinola
Warner
Williams .

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

Mr. Ketcham moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act to regulate the compensation of supervisors for distributing the public school moneys."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Truman moved to recommit said bill, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Kelly	Munroe	Ramsey	Truman
Blood	McGraw	P. P. Murphy	Richmond	Warner
Gardiner	Manierre	Prosser	Rotch	Williams
Hammond				

16

FOR THE NEGATIVE.

Bell	Ferry	Grant	Montgomery	Sessions
Colvin	Fiero	Ketcham	J. M. Murphy	Spinola
Connolly	Goss	Lapham	Robertson	

14

Mr. Goss moved to reconsider the vote recommitting the Assembly bill entitled "An act to provide for the compensation of supervisors for distributing the public school moneys."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to recommit said bill, with instructions to strike out the enacting clause, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	McGraw	Prosser	Rotch	Warner
Blood	Manierre	Ramsey	Truman	Williams
Gardiner	Munroe	Richmond		

13

FOR THE NEGATIVE.

Bell	Ferry	Hammond	Lapham	Robertson
Colvin	Goss	Kelly	Montgomery	Sessions
Connolly	Grant	Ketcham	J. M. Murphy	Spinola

15

Mr. Truman moved to recommit said bill, with instructions to amend by striking out from the operation of said bill the counties of Broome, Tompkins and Tioga.

Mr. Lapham moved to lay said bill on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act declaring the easterly branch of the St. Regis river a public highway," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Rotch
Bell	Goss	McGraw	Prosser	Spinola
Blood	Hammond	Manierre	Ramsey	Warner
Colvin	Kelly	Montgomery	Robertson	Williams
Connolly	Ketcham	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to revive an act to provide for laying out and constructing the Warren and Hamilton county road," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Blood, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	Munroe	Robertson
Bell	Fiero	McGraw	J. M. Murphy	Rotch
Blood	Goss	Manierre	Prosser	Warner
Colvin	Hammond	Montgomery	Ramsey	Williams
Connolly	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Prosser, from the committee on canals, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the construction of a culvert under the Champlain canal, in the town of Stillwater, Saratoga county,' passed April 18, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide for funding and paying the floating debt of the corporation of the city of New York," reported in favor of the passage of the same.

On motion of Mr. Manierre, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

The Assembly bill entitled "An act to incorporate the Albany Turnverein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	Prosser	Rotch
Bell	Fiero	Manierre	Ramsey	Spinola

Blood
Colvin
Connolly

Goss
Hammond
Kelly

Montgomery
Munroe

Richmond
Robertson

Warner
Williams

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate the Western New York Agricultural, Horticultural and Mechanical Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell
Bell
Blood
Colvin
Connolly

Ferry
Fiero
Goss
Hammond

Kelly
Lapham
McGraw
Montgomery

Munroe
Prosser
Ramsey
Richmond

Robertson
Rotch
Warner
Williams

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Peekskill Savings bank,' passed April 18, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell
Bell
Blood
Colvin

Ferry
Fiero
Goss
Hammond

Kelly
Lapham
McGraw
Manierre

Montgomery
Munroe
J. M. Murphy
Prosser

Ramsey
Robertson
Rotch
Spinola

20

FOR THE NEGATIVE.

Warner

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The Assembly bill entitled "An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for the support of roads and bridges, and to provide for increased compensation of commissioners of highways and other town officers,' passed April 15, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Robertson
Bell	Fiero	Lapham	P. P. Murphy	Rotch
Blood	Goss	McGraw	Prosser	Warner
Colvin	Hammond	Manierre	Ramsey	Williams
Connolly	Kelly	Montgomery	Richmond	25

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the preservation of fish in certain bays and streams in the county of Monroe," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	Munroe	Rotch
Bell	Goss	McGraw	Prosser	Warner
Colvin	Hammond	Manierre	Ramsey	Williams
Connolly	Kelly	Montgomery	Richmond	19

FOR THE NEGATIVE.

Fiero	1
-------	---

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to confirm the title of certain real estate belonging to The General Society of Mechanics and Tradesmen of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Montgomery	Ramsey
Colvin	Goss	McGraw	Munroe	Robertson
Connolly	Hammond	Manierre	Prosser	Williams
Ferry	Kelly			17

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the Duryee and Forsyth Manufacturing company to mortgage its real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	Manierre	Robertson
Bell	Fiero	Kelly	Montgomery	Rotch
Blood	Gardiner	Lapham	Munroe	Warner
Colvin	Goss	McGraw	Prosser	Williams
Connolly				21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the more effectual insurance of school houses," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Munroe	Robertson
Bell	Fiero	Lapham	P. P. Murphy	Rotch
Blood	Gardiner	McGraw	Prosser	Warner
Colvin	Hammond	Manierre	Ramsey	Williams
Connolly	Kelly	Montgomery		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act in relation to the Reciprocity bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	P. P. Murphy	Robertson
Blood	Gardiner	McGraw	Prosser	Rotch
Colvin	Goss	Manierre	Ramsey	Warner
Connolly	Hammond	Montgomery	Richmond	Williams
Ferry	Kelly	Munroe		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend an act entitled 'An act in relation to railroad corporations,' passed February 13, 1851," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Richmond
Bell	Goss	Lapham	P. P. Murphy	Rotch
Colvin	Hammond	Manierre	Prosser	Warner
Ferry	Kelly	Montgomery	Ramsey	Williams

20

FOR THE NEGATIVE.

Connolly

1

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the Brooklyn Central and the Brooklyn and Jamaica Railroad companies to consolidate and continue their roads," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Montgomery	Richmond	Sessions
Blood	Hammond	P. P. Murphy	Robertson	Spinola
Fiero	Kelly	Prosser	Rotch	Warner
Gardiner	Lapham			

17

FOR THE NEGATIVE.

Bell	Ferry	Manierre	Ramsey	Williams	5
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act for the preservation of moose, wild deer, birds and fish," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

Mr. Ferry offered the following resolution:

Resolved, That 200 extra copies of the annual report of the State Engineer and Surveyor, on companies navigating the lakes and rivers, be printed for the use of the State Engineer and Surveyor.

Ordered, That said resolution be referred to the committee on public printing.

Mr. Spinola offered the following resolution:

Resolved, (if the Assembly concur,) That the legislative printer be, and he is hereby directed to print five copies of the census of the State of New York, for 1860, (about to be taken by the general government,) for each member, officer and reporter of this Legislature; and that the same be printed and bound under the direction of the Secretary of State, in the same manner and style, and at the same rates as the census of the State for the year 1855.

Ordered, That said resolution be laid on the table.

By unanimous consent, Mr. Williams presented a petition and remonstrance of citizens of Wayne county, in relation to tolling railroads, and against increased fare on the New York Central railroad, which were read and laid on the table.

Mr. Truman moved to take from the table the following resolution:

Resolved, (if the Assembly concur,) That the Legislature will adjourn *sine die*, on Friday the 13th day of April next, at 11 A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Kelly	Montgomery	Truman	9
Blood	Hammond	Manierre	Spinola		

FOR THE NEGATIVE.

Bell	Fiero	McGraw	Ramsey	Warner	
Colvin	Goss	P. P. Murphy	Rotch	Williams	
Ferry	Lapham	Prosser			12

Mr. Rotch moved to take from the table the following resolution :

Resolved, (if the Senate concur,) That 1,000 copies of the Transactions of the State Agricultural Society be printed for the State Agricultural Society; 25 copies for each member and officer of the Legislature; 15 copies for each reporter of the Legislature; 20 copies for each county agricultural society, in counties electing one member of Assembly, and a proportionate additional number in counties electing more than one member of Assembly; 10 copies for each town and each union agricultural society, and 50 copies for the Regents of the University. And that said report be printed and bound in the same manner as last year, and be distributed, in accordance with the foregoing resolution, without delay.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Ordered. That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Rotch moved to take from the table the following resolution :

Resolved, (if the Senate concur,) That there be printed of the Transactions of the American Institute, for the year 1859, 20 copies for each member, officer and reporter of the Legislature; 500 copies for the said Institute; 20 copies for each county agricultural society in counties electing one member of Assembly, and a proportionate additional number in counties electing more than one member of Assembly; 10 copies for each town agricultural society; and 50 copies for the Regents of the University, for exchanges; and that said report be printed and bound in the same manner as last year.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Colvin	Goss	Manierre	Ramsey	Sessions	
Ferry	Hammond	Montgomery	Richmond	Spinola	
Fiero	Kelly	P. P. Murphy	Robertson	Warner	
Gardiner	Lapham	Prosser	Rotch	Williams	20

FOR THE NEGATIVE.

Truman

1

Ordered, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Ramsey offered the following resolutions :

Resolved, That the Superintendent of Public Instruction be directed to obtain from the trustees of the several school districts in the State, a list or catalogue embracing the number of and title of all the books in the Public School Libraries under their charge, respectively, and that he cause such returns to be tabulated in such

a form as to give the aggregate number of each book so returned as in the Public School Libraries, and that he also report the same to the Legislature, on or before the 15th day of January, 1861.

Resolved, That the Superintendent of Public Instruction may at his discretion, withhold from the trustees of the several school districts the amounts accruing to them from the school fund for library purposes, until they have reported to him a catalogue of the books in the libraries under their charge, in accordance with the above resolution.

The President put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the affirmative.

Mr. Robertson moved to take from the table the following preamble and resolutions :

Whereas, the valuable commerce of our nearest neighbor, the Republic of Mexico, has been diverted from the doors of our own ports to Europe, by the superior sagacity and enterprize of the government of Great Britain, which has long fostered the lines of steam communication to carry that commerce, lost to the United States by the neglect of our government to use the obvious means to secure it to our people; and,

Whereas, the commercial and manufacturing interests of the State of New York would be vastly benefited by the Mexican trade which would flow to the United States on the establishment of proper mail steamship facilities between the two countries, and sustained by a just and proper remuneration on the part of our government; therefore, be it

Resolved, (if the Assembly concur.) That in the opinion of this Legislature, the passage of the bill lately presented to the Congress of the United States, embodying the propositions of Carlos Butterfield, a citizen of the United States, for a contract similar to the one he has already effected with the Mexican government for the establishment of a line of mail and passenger steamers between Mobile or New Orleans and all the gulf ports of the Republic of Mexico from Brazos Santiago to Sisal, would tend directly to give to American bottoms the bulk of that trade, instead of less than one-sixth of it, which they now enjoy, and would insure the introduction into Mexican markets of a vast amount of American products and manufactures.

Resolved, That in view of the importance of the postal and commercial advantages to be derived from the establishment of a regular line of mail steamers as proposed by this bill, our Senators and Representatives in Congress, are respectfully requested and instructed to use all proper efforts to secure its passage by the Congress of the United States.

Resolved, That the clerks of the Senate and Assembly be directed to send to each of our Senators and Representatives in Congress a copy of the foregoing resolutions.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the affirmative.

The hour of one o'clock having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to provide for the speedy completion of sections numbers twenty and twenty-one of the Oswego canal enlargement."

After some time spent thereon, the President resumed the chair, and Mr. Richmond, from said committee, reported in favor of the passage of said bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham offered the following resolution:

Resolved, (if the Assembly concur,) That the Inspectors of State Prisons may, if they deem it for the interest of the State, extend the contract for the manufacture of nails at Clinton Prison, for the term of five years.

By unanimous consent, Mr. Lapham moved that the rule be suspended, and said resolution considered immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Fiero offered the following resolution:

Resolved, That the committee appointed by the Senate to investigate the proceedings for 1859, of the commissioners of excise for the city and county of New York, have power to sit and hold an investigation during the recess of the Legislature, and report their proceedings at the commencing of the next Legislature.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Fiero	Manierre	J. M. Murphy	Rotch	Spinola	
Hammond	Munroe	Robertson	Sessions		9

FOR THE NEGATIVE.

Bell	Gardiner	Montgomery	Prosser	Warner	
Blood	Goss	P. P. Murphy	Richmond	Williams	
Connolly					11

Mr. Munroe offered the following resolution:

Resolved, That the Senate hold a session at 4 o'clock, for the consideration of general orders.

Mr. Bell moved to amend by adding Senate bill No. 352, being "Concurrent resolutions amending the Constitution so as to prohibit the sale of intoxicating liquors as a beverage."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the preservation of wild deer, birds and fish," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to incorporate the village of White Plains."

"An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors."

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to lands held in trust by the executor and executrix of the last will and testament of Thomas Poole, deceased, for the use and benefit of Margaret H. Barr, during her natural life," reported in favor of the passage of the same.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

The hour of half-past one having arrived, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to authorize the Canal Commissioners to pay for the construction of a bridge across the Oswego canal, in the town of Volney."

After some time spent thereon, the President resumed the chair, and Mr. Fiero, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act authorizing the towns of West Farms and Morrisania, to raise money by loan to macadamize certain public roads in said towns," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act to elect overseers of highways in the town of Greenburgh, Westchester county, by districts," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act to authorize the Methodist Episcopal churches therein named, to sell certain lands in the city of Brooklyn, formerly used

for cemetery purposes, and to perfect title in the purchasers thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to repeal an act entitled 'An act relating to superintendents of the poor in Queens county,' passed April 12, 1858," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to facilitate the reorganization of the Sacketts Harbor and Ellisburgh Railroad company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bell, and by unanimous consent, the rule was suspended, and said bill referred to the committee on railroads, to report complete.

"An act in relation to police commissioners, police officers, and police justice, in the town of Newburgh, in the county of Orange," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Grant, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to change the time of holding the annual election for the election of officers of the village of Hammondsport, for the year 1860," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the incorporation of cities and villages, to report complete.

"An act to alter the commissioners' map of the city of Brooklyn, by continuing St. Felix street, and closing certain portions of the old Flatbush road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act for the incorporation of the trustees of the parochial fund of the Protestant Episcopal church, in the diocese of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the Orange County Milk Association," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Grant, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to amend an act passed April 12, 1859, entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisburgh, in the county of Westchester,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act in relation to the salary of the keeper of the common jail of the city and county of Albany," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to amend an act entitled 'An act providing for the sale of certain lands belonging to the State, and appropriating the moneys arising therefrom,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act to incorporate the Turnverein in the town of Morrisania," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend chapter 432 of the laws of 1847, entitled 'An act in relation to the fees and compensation of certain public officers in the city and county of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act for the relief of Harry Tuttle, late commissioner of highways of the town of Camillus, in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time,

On motion of Mr. Munroe, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act in addition to the act to provide for a supply of water in the village of Newburgh, passed the 30th of March, 1852, and amended 23d of February, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, April 12, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

April 9. "An act to constitute school district No. 1, in the town of Salina, and county of Onondaga, a free school."

April 9. "An act to annex the town of Annsville, in the county of Oneida, to the fourth school commissioner's district of said county."

9. "An act to amend the act entitled 'An act to amend the act entitled An act to incorporate the village of Cleveland, Oswego county,' passed April 15, 1857, passed April 2, 1859."
9. "An act to provide means for the completion of the canals of this State, and fully supply them with water, and for other purposes."
10. "An act to incorporate the Kings County Savings Institution."
10. "An act to authorize the stockholders of the Fort Plain and Cooperstown plankroad company to change the day for holding the annual election of directors of said company."
10. "An act to reduce the capital of the Farmers' Loan and Trust company."
10. "An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poorhouse."
10. "An act to authorize the rector, church wardens and vestrymen of St. Ann's Church, Brooklyn, to sell their burial ground, and remove remains therefrom."
10. "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Peekskill, to alter the bounds and enlarge the powers of the corporation of said village,' passed March 25, 1859."
10. "An act making the village of Mechanicville a separate road district."
10. "An act to authorize the board of supervisors of the county of Kings to build an addition to the lunatic asylum in said county."
10. "An act in relation to school district No. 7, of the town of Cortlandt, county of Westchester, empowering the trustees of said district to extend the time for the payment of loan, and authorizing them to sell part of school site."
10. "An act for the preservation of birds and small game upon and around the shores of Luzerne lake."
10. "An act to amend and continue the act entitled 'An act to provide for the laying out and construction of a road from the town of Pierrepont, in St. Lawrence county, to the road from Carthage to Lake Champlain,' passed April 16, 1852."
10. "An act for the relief of John Haring."
10. "An act relative to the village of Deposit."

- April 10. "An act to confirm the title of Le Grand Marvin and George L. Marvin to real estate conveyed to them by Alexander Turnbull."
10. "An act to amend an act entitled 'An act for the protection of the proprietor or proprietors of Huggtown pond, in Spencer, Tioga county, in the production and preservation of fish in said pond,' passed April 1, 1859."
10. "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association, of Buffalo,' passed March 23, 1837."
10. "An act for the construction of a road from the outlet of Branch pond, in lot No. 9, in township No. 9, McComb's purchase, Great Tract No. 1, Franklin county, to the Upper Saranac lake, in lot No. 20, in the same purchase."
10. "An act for the relief of John Adamson, of Rochester, Monroe county."
10. "An act to change the name of the Amenia Rural Cemetery."
10. "An act to incorporate the Rockland County Savings Bank, of Rockland."
10. "An act authorizing a sale of the whole or a part of the Erie and New York city railroad, to the Atlantic and Great Western railroad company, in New York, and for other purposes."
10. "An act to amend the act entitled 'An act to amend the act entitled 'An act to provide for the incorporation of religious societies,' passed April 5, 1813, and the several acts amendatory thereof, passed March 13, 1850."
10. "An act to amend an act entitled 'An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York,' passed March 29, 1824."
10. "An act for the incorporation of fine art associations, and to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848."
10. "An act to amend the charter of the Lorillard Fire Insurance company of the city of New York."
10. "An act to incorporate the Conquerer Hook and Ladder and Bucket Company, at Tarrytown, Westchester county."
10. "An act to provide for the appointment of inspectors of election and district canvassers, in the city and county of New York."
10. "An act to incorporate Excelsior Bucket Company No. 1, in Richmond county."

- April 10. "An act to incorporate Neptune Engine Company No. 6, of the village of Tompkinsville, town of Castle-ton, Richmond county, State of New York."
10. "An act for the relief of the heirs and legatees of Phineas P. Bates."
10. "An act to amend an act entitled 'An act appointing commissioners to lay out a road between the vil-lage of Dunkirk and the village of Cherry Creek, in the county of Chautauqua,' passed April 13, 1857."
10. "An act to amend the articles of incorporation of the Washington insurance company, of the city of New York."
10. "An act to amend an act entitled 'An act to authorize the Second Associate Congregation of Hebron to dispose of church property,' passed March 29, 1858."
10. "An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips, in the cities of New York and Brooklyn."
10. "An act to incorporate the American Zoological and Botanical Society."
10. "An act to incorporate the Hyde Park fire department in Dutchess county."
10. "An act to amend an act entitled 'An act in relation to draining certain lands in the town of Cicero, in the county of Onondaga,' passed April 16, 1858."
10. "An act to authorize B. D. Carpenter and others to build a draw bridge over James' creek."
10. "An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof,' passed April 15, 1857."
10. "An act for the relief of the widow and children of Joseph Sayres, deceased."
10. "An act to legalize the State and county taxes in the county of Rensselaer, for the year 1859, and to pro-vide for the collection thereof, and to authorize the sale of lands in the city of Troy, for unpaid State and county taxes."
10. "An act to incorporate the Cherry Valley and Spraker's horse power railroad company."
10. "An act to amend an act incorporating the village of Salem, in the county of Washington, and the several acts amending the same."
10. "An act to amend section 4, chapter 425, in relation to agricultural and horticultural purposes, passed April 13, 1855."
10. "An act to incorporate the Union savings bank of Batavia."

E. D. MORGAN.

On motion of Mr. Spinola, the Senate took a recess until 4 o'clock,

FOUR O'CLOCK.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

"An act authorizing the refunding of certain moneys to Edward H. Edwards."

"An act to provide for the relief of William Johnson."

"An act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York."

After sometime spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported in favor of the passage of the two first named bills, without amendment, which reports were agreed to, and said bills ordered to a third reading.

Mr. Montgomery, from the same committee, reported in favor of the passage of the last named bill, without amendment.

The President put the question whether the Senate would agree to the report of the committee of the whole, on said bill, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Hammond	Munroe	Prosser	Robertson
Bell	McGraw	J. M. Murphy	Ramsey	Warner
Connolly	Montgomery			

12

FOR THE NEGATIVE.

Blood	Fiero	Kelly	Richmond	Williams
Colvin	Goss	Manierre	Spinola	

9

Ordered, That said bill be read a third time.

By unanimous consent, Mr. Colvin offered the following resolution :

Resolved, That the Clerk of the Senate cause the desks composing the Senatorial circle, to be contracted or altered, so as to give more space between the seats of Senators and the railing ; and that the work be done during the recess of the Legislature.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to elect overseers of highways in the town of Greenburgh, Westchester county, by districts," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act for the relief of Harry Tuttle, late commissioner of highways of the town of Camillus, in the county of Onondaga," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act passed April 12, 1859, entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration

thereof, in the towns of North Castle, Bedford and Lewisborough, in the county of Westchester," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the towns of West Farms and Morrisania, to raise money by loan to macadamize certain public roads in said towns," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal sections 5 and 6 of the act entitled 'An act to constitute the village of Green Island a separate road district,' passed April 13, 1858," reported in favor of the passage of the same.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Williams, from the committee on banks, to which was referred the bill entitled "An act in relation to the engraving of bank notes," reported adversely thereto, and in writing, which report was agreed to, and said bill rejected.

(See Doc. No. 85.)

Mr. Williams offered the following resolution:

Resolved, That 500 extra copies of the report of the committee on banks, on the bill in relation to "engraving of bank notes," be printed for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend chapter 432 of the laws of 1847, entitled 'An act in relation to the fees and compensation of certain public officers in the city and county of New York,'" reported in favor of the passage of the same.

On motion of Mr. Connolly, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to change the time of holding the annual election for the elec-

tion of officers of the village of Hammondsport, for the year 1860," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Abell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to reduce the capital stock of the Sacketts Harbor, Rome and New York Railroad company," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate Rescue Fire Engine company No. 1, of the village of Tarrytown, town of Greenburgh, Westchester county, State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Turnverein, in the town of Morrisania," reported in favor of the passage of the same.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the salary of the keeper of the common jail of the city and county of Albany," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act relating to superintendents of the poor in Queens county,'" with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the State Engineer and Surveyor, on companies navigating the lakes and rivers, reported in favor of the adoption of the following resolution:

Resolved, That 200 extra copies of the annual report of the State Engineer and Surveyor, on companies navigating the lakes and rivers, be printed for the use of the State Engineer and Surveyor.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Ramsey, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Nehemiah Berry and Maria Hunn Berry, his wife," reported in favor of the passage of the same.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended and said bill recommitted to the committee, to report complete.

Mr. Montgomery, from the committee on the erection and division of towns and counties, to which was referred the Assembly bill entitled "An act to erect a new town from the towns of Castleton and Southfield, in the county of Richmond, to be called Middletown," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act for the incorporation of the trustees of the parochial fund of the Protestant Episcopal church, in the diocese of New York," reported in favor of the passage of the same.

On motion of Mr. McGraw, and by unanimous consent, the rule was suspended and said bill recommitted to the committee, to report complete.

Mr. McGraw, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to the Colonial History of the State of New York," reported in favor of the passage of the same.

On motion of Mr. Munroe, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Hillhouse, from the committee on literature, to which was referred the bill entitled "An act in relation to schools in the village of Middleport," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. M. Murphy offered the following resolution:

Resolved, That ten copies of the report of the Regents of the University, on the State Cabinet of Natural History, and the accompanying papers, be arranged and printed, and furnished to each Senator, officer and reporter of the Senate, and 1,500 copies for the Regents of the University.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860," with a message that they non-concur in the amendments of the Senate to said bill, and request a committee of conference, and have appointed Messrs. Flagler, Conkling, Payne, Bush and Odell, such committee on the part of the Assembly.

Mr. Truman moved that the Senate consent to a committee of conference on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President appointed Messrs. Sessions, Truman and Grant, as such committee on the part of the Senate.

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

Mr. Spinola offered the following resolution :

Resolved, (if the Assembly concur,) That this Legislature will adjourn *sine die*, on Friday, April 13th, at 3 o'clock, P. M.

Ordered, That said resolution be laid on the table.

By unanimous consent, Mr. Truman moved to reconsider the vote adopting the resolutions in relation to printing copies of Transactions of State Agricultural Society, and Transactions of American Institute.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman moved to amend by adding to each of said resolutions the following :

"But the same shall not be printed unless it be done under the existing contract for the State printing.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolutions, as amended, and it was decided in the affirmative.

Mr. Munroe moved to take from the table the following resolution :

Resolved, (if the Senate concur,) That a commission be appointed to consist of the following persons, to wit: William C. Bryant, Robert B. Minturn, Mason F. Cogswell, Alexander Hamilton, Jr., and Alfred Pell, for the purpose of making an examination into the system of prison discipline in this State, with a view of ameliorating the condition of discharged prisoners, and aiding them to reform their lives; and that said commissioners be and they are hereby authorized to visit the prisons of the State, and to make such investigations as they may deem necessary for that purpose, and to require such aid and information from the officers of said prisons as in their opinion shall be requisite, and to make a report thereon to this Legislature at its next session. Provided, however, that said commissioners shall not be entitled to any compensation whatever for their services or expenses.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Montgomery	Prosser	Warner	
Colvin	Ketcham	Munroe	Ramsey	Williams	
Ferry	Manierre	P. P. Murphy			13

FOR THE NEGATIVE.

Abell	Connolly	Gardiner	Lapham	Spinola	
Blood	Fiero	Hammond	J. M. Murphy	Truman	10

Ordered, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follow:

"An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages."

"An act to divide the county of Allegany into two jury districts, and to provide for holding courts in, and for said county alternately, in each of said districts."

"An act in relation to the surplus waters of the canal at Lockport and the lessees thereof."

After some time spent thereon, the President resumed the chair, and Mr. Bell, from said committee, reported in favor of the passage of the first named bill, without amendment.

Mr. Truman moved to recommit said bill to the committee on canals, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE,

Abell	Connolly	Manierre	J. M. Murphy	Truman	
Blood	Hammond	Montgomery	Richmond		9

FOR THE NEGATIVE.

Bell	Gardiner	Munroe	Robertson	Warner	
Ferry	Goss	P. P. Murphy	Sessions	Williams	
Fiero	McGraw	Prosser	Spinola		14

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Munroe	Prosser	Warner	
Connolly	Gardiner	P. P. Murphy	Spinola	Williams	
Ferry	Goss				12

FOR THE NEGATIVE.

Abell	Grant	Lapham	Montgomery	Richmond	
Blood	Hammond	Manierre	J. M. Murphy	Truman	
Colvin					11

Ordered, That said bill be read a third time.

Mr. Bell, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Hammond moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hammond	Lapham	Spinola	
Colvin	Gardiner	Ketcham	Robertson	Williams	
Ferry	Grant				12

FOR THE NEGATIVE.

Bell	Manierre	J. M. Murphy	Prosser	Truman	
Goss	Montgomery	P. P. Murphy	Sessions	Warner	
Hillhouse					11

Ordered, That said bill be read a third time.

Mr. Bell, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Prosser, the Senate took a recess until half-past 7 o'clock.

HALF-PAST SEVEN O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Warner offered the following resolution :

Resolved, That Senator Colvin be associated with the Clerk on devising the plan for the re-arrangement of the desks of the Senators, and of the President and Clerk.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Prosser offered the following resolution :

Resolved, That there be printed 500 extra copies of the report of the Auditor of the Canal Department, on the tolls, trade and tonnage of the canals, for the use of the Senate.

Ordered, That said resolution be referred to the committee on public printing.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill :

"An act relative to the appointment of harbor masters of the port of New York, and defining their powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Robertson moved to take from the table the following resolution :

Resolved, (if the Assembly concur,) That the Governor of the State of New York be, and he is hereby authorized, directed and empowered to transmit to the Executives of other States, such laws and reports, records, Legislative and other documents, as he in his judgment may deem proper and expedient, in accordance with an act of Congress, passed June 30th, 1834, vesting the franking privilege, in certain cases, in the Governors of the several States.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

"An act to abolish capital punishment, and to provide for the more certain punishment of the crime of murder."

"An act for the appraisal and payment of canal damages to Jehial Freeman and Edwin R. Hammett."

"An act to authorize the Flatbush Plankroad company, in Kings county, to allow a horse railroad track to be laid on their road."

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported that they had gone through with the first named bill, made sundry amendments thereto, and amended the title so as to read "An act in relation to capital punishment, &c.," and in favor of the passage of the same, as amended.

The President put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Colvin Connolly Kelly	Montgomery Manroe	P. P. Murphy Prosser	Ramsey Sessions	Spinola Truman	11
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FOR THE NEGATIVE.

Bell Ferry	Fiero Gardiner	Goss Grant	McGraw J. M. Murphy	Warner Williams	10
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Ordered, That said bill be read a third time.

Mr. Warner, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Warner, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled "An act to authorize the city of Auburn to make, upon the faith and credit of said city, bonds in the aggregate amount of one hundred thousand dollars, to aid in the construction of a railroad from Sodus Bay, on Lake Ontario, to Homer, or some other point of intersection with the Syracuse and Binghamton railroad, and passing through the city of Auburn," with the following further amendment:

Strike out from said amendment the words "after the entire completion of the road."

Mr. Williams moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell Blood Colvin Connolly Ferry	Fiero Gardiner Goss Grant Kelly	Lapham McGraw Montgomery Manroe	J. M. Murphy P. P. Murphy Prosser Ramsey	Robertson Sessions Warner Williams	22
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FOR THE NEGATIVE.

Spinola	1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend an act entitled 'An act to amend the charter of the Agricultural Insurance company, and to authorize that company to change its place of business,' with the following amendments:

Line 4, section 2, engrossed bill, after the word "the" insert the words "village of Watertown and."

Lines 4 and 5, same section, strike out the words "wherever it may be located."

Line 7, same section, strike out the words "surplus capital," and insert in lieu thereof the words "earned capital."

Mr. Bell moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	J. M. Murphy	Spinola
Blood	Gardiner	McGraw	P. P. Murphy	Truman
Colvin	Goss	Montgomery	Prosser	Warner
Connolly	Grant	Munroe	Sessions	Williams
Ferry	Kelly			

22

Ordered that the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to amend an act entitled 'An act in relation to school district number 6, in the town of Lyons, Wayne county,' passed April 7, 1856."

"An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath,' passed June 20, 1851.'"

"An act for the incorporation of the Dyckman Library of the city of New York."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows:

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853, and the amendment thereto, passed July 18, 1853."

"An act to incorporate the Franklin Savings bank, in the city of New York."

"An act to incorporate the Southwestern Mining and Land company."

Ordered, That the Clerk return said bills to the Assembly.

Mr. Sessions, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for certain expenses of government, for the year 1860," reported in favor of the

passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman moved that the Senate now go into committee of the whole on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Truman moved that said bill be made the special order for to-morrow, at 11 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Truman, the Senate adjourned.

FRIDAY, APRIL 13, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

By unanimous consent, Mr. Abell moved that the Assembly bill entitled "An act for the relief of Samuel Skinner," be recommitted to the committee on claims, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Goss offered the following resolution :

Resolved, That the Senate hold a session this evening, to consider Assembly bills on general order.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lapham presented a petition of C. B. Freeman and others, for repeal of the death penalty, which was read and laid on the table.

Mr. McGraw, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act for the incorporation of the trustees of the Protestant Episcopal church, in the diocese of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to the Colonial History of the State of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Turnverein in the town of Morrisania," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal sections 5 and 6 of the act entitled 'An act to constitute the village of Green Island a separate road district,' passed April 13, 1858," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to charter the Beechwood Fair and Cattle Market," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Colvin asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 10, 1860,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Nehemiah Berry and Maria Hunn Berry, his wife," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to lands held in trust by the executor and executrix of the last will and testament of Thomas Poole, deceased, for the use and benefit of Margaret H. Barr, for and during her natural life," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to grant certain lands under water to George Bowman," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest in the State in certain real estate of which William Lauson died seized," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rotch, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Orange County Milk Association," with power to report complete, reported

the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. McGraw, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Samuel Skinner," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Assembly bill entitled "An act to reduce the capital stock of the Sacketts Harbor, Rome and New York Railroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	Munroe	Robertson
Bell	Fiero	McGraw	Prosser	Rotch
Colvin	Goss	Manierre	Ramsey	Warner
Connolly	Ketcham	Montgomery		
				18

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Robertson moved to take from the table the motion to reconsider the vote on the bill entitled "An act to create in the city and county of New York the department of Public Charities and Correction, and to abolish the Alms House department therein."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Ramsey	Rotch
Bell	Goss	McGraw	Robertson	Warner
Ferry	Ketcham	Munroe		
				18

FOR THE NEGATIVE.

Colvin	Gardiner	Manierre	Richmond	Truman
Connolly	Grant	Montgomery		
				8

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	McGraw	Ramsey	Rotch
Bell	Ketcham	Munroe	Robertson	Warner
Ferry	Lapham	P. P. Murphy		
				18

FOR THE NEGATIVE.

Colvin	Gardiner	Manierre	Montgomery	Spinola
Connolly	Grant			
				7

The Assembly bill entitled "An act to authorize the laying out and establishing Deitz street, in the village of Oneonta, in the county of Otsego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE

Abell	Fiero	Lapham	P. P. Murphy	Robertson
Bell	Gardiner	McGraw	Prosser	Rotch
Colvin	Goss	Manierre	Ramsey	Spinola
Connolly	Ketcham	Montgomery	Richmond	Warner
Ferry				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to encourage the construction of sidewalks in the village of Unadilla, Otsego county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Ferry	McGraw	Prosser	Rotch
Blood	Goss	Montgomery	Ramsey	Spinola
Colvin	Ketcham	Munroe	Richmond	Warner
Connolly	Lapham	P. P. Murphy	Robertson	

19

FOR THE NEGATIVE.

Abell

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in relation to certain highway taxes in the counties of Warren, Essex and Hamilton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Ketcham	Munroe	Robertson
Bell	Ferry	Lapham	Prosser	Rotch
Blood	Fiero	McGraw	Ramsey	Spinola
Colvin	Goss	Montgomery	Richmond	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act relating to the support of the poor of Rensselaer county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Munroe	Robertson
Blood	Gardiner	McGraw	Prosser	Rotch
Colvin	Goss	Manierre	Ramsey	Spinola
Connolly	Hillhouse	Montgomery	Richmond	Warner
Ferry	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act authorizing the Albany and Schoharie and Rensselaerville Plankroad company to erect a toll gate on their road west of the Whitehall road, in addition to their present gates, and to take certain tolls thereat," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Montgomery	Robertson
Bell	Fiero	Lapham	Munroe	Rotch
Blood	Gardiner	McGraw	Ramsey	Spinola
Colvin	Goss	Manierre	Richmond	Warner
Connolly	Hillhouse			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message from the Assembly was received, returning the following entitled bill:

"An act to authorize the city of Auburn to make, upon the faith and credit of said city, bonds in the aggregate amount of one hundred thousand dollars, to aid in the construction of a railroad from Sodus Bay, on Lake Ontario, to Homer, or some other point of intersection with the Syracuse and Binghamton railroad, and passing through the city of Auburn."

Ordered, That the Clerk return said bill to the Assembly.

A message from the Assembly was received, returning the following entitled bill:

"An act relating to wills."

Ordered, That the Clerk deliver said bill to the Governor.

The Assembly bill entitled "An act to make separate road districts of the second and third election districts of the town of Southfield, and the first and second election districts of the town of Castleton, in the county of Richmond, and to provide for draining the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Montgomery	Ramsey
Bell	Fiero	Ketcham	Munroe	Richmond
Blood	Gardiner	Lapham	J. M. Murphy	Rotch
Colvin	Goss	McGraw	P. P. Murphy	Spinola
Connolly	Hillhouse	Manierre	Prosser	Warner

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act in relation to the highway between Wilmarth and Morehouse, in the county of Hamilton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Munroe	Ramsey
Blood	Gardiner	Lapham	J. M. Murphy	Robertson
Colvin	Goss	McGraw	P. P. Murphy	Spinola
Connolly	Hillhouse	Montgomery	Prosser	Warner
Ferry	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the speedy completion of sections numbers 20 and 21 of the Oswego canal enlargement," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Ketcham	Prosser	Spinola
Bell	Gardiner	Lapham	Ramsey	Warner
Blood	Goss	McGraw	Richmond	Williams
Colvin	Kelly	Munroe	Rotch	

19

FOR THE NEGATIVE.

Fiero Hillhouse

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend an act to amend the act entitled 'An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 10, 1860,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Montgomery	Rotch
Bell	Fiero	Ketcham	Munroe	Spinola
Blood	Gardiner	Lapham	J. M. Murphy	Warner
Colvin	Goss	McGraw	Robertson	Williams
Connolly	Hillhouse	Manierre		

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act to authorize the laying of a rail track in Broadway, and through certain other streets in the city of Brooklyn and New Lots, in the county of Kings, passed April 17, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Munroe	Robertson
Blood	Gardiner	Lapham	J. M. Murphy	Rotch
Colvin	Goss	McGraw	P. P. Murphy	Spinola
Connolly	Hillhouse	Montgomery	Richmond	Warner

20

FOR THE NEGATIVE.

Bell	Prosser
------	---------

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to authorize the Canal Commissioners to pay for the construction of a bridge across the Oswego canal, in the town of Volney," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Ferry	Ketcham	J. M. Murphy	Spinola
Blood	Gardiner	Lapham	P. P. Murphy	Warner
Colvin	Goss	McGraw	Prosser	Williams
Connolly	Hillhouse	Munroe	Rotch	

19

FOR THE NEGATIVE.

Fiero	Kelly	Manierre	Montgomery	Richmond
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5

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act authorizing the refunding of certain moneys to Edward H. Edwards," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Ketcham	J. M. Murphy	Rotch
Colvin	Goss	Lapham	P. P. Murphy	Spinola
Connolly	Hillhouse	McGraw	Prosser	Truman
Ferry	Kelly	Munroe	Robertson	Warner

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the relief of William Johnson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	J. M. Murphy	Rotch
Blood	Gardiner	McGraw	P. P. Murphy	Spinola
Colvin	Goss	Manierre	Prosser	Warner
Connolly	Hillhouse	Munroe	Robertson	Williams
Ferry	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to elect overseers of highways in the town of Greenburgh, Westchester county, by district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	J. M. Murphy	Rotch
Blood	Gardiner	McGraw	P. P. Murphy	Truman
Colvin	Goss	Montgomery	Prosser	Warner
Connolly	Hillhouse	Munroe	Robertson	Williams
Ferry	Kelly			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of Harry Tuttle, late commissioner of highways of the town of Camillus, in the county of Onondaga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Ferry	Lapham	Munroe	Rotch
Blood	Gardiner	McGraw	P. P. Murphy	Truman
Colvin	Hillhouse	Manierre	Richmond	Warner
Connolly	Kelly	Montgomery	Robertson	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act passed April 12, 1859, entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisburgh, in the county of Westchester,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	Montgomery	Robertson
Colvin	Goss	Lapham	Munroe	Spinola
Connolly	Hillhouse	McGraw	P. P. Murphy	Truman

Ferry
Fiero

Kelly

Manierre

Ramsey

Warner

21

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act authorizing the town of West Farms to raise money by loan to macadamize certain public roads in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell
Blood
Colvin
Connelly
FerryFiero
Gardiner
Hillhouse
KellyKetcham
Lapham
McGraw
ManierreMunroe
Prosser
Ramsey
RobertsonSpinola
Truman
Warner
Williams

21

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Spinola, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn, by continuing St. Felix street, and closing certain portions of the old Flatbush road," reported that they had made some amendments thereto, and amended the title so as to read "An act in relation to certain streets, avenues and roads in the city of Brooklyn," and in favor of the passage of the same, as amended.

On motion of Mr. Gardiner, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act to repeal section two of the act entitled 'An act in relation to the payment of fare upon the New York Central railroad,' passed April 1, 1857," reported in favor of the passage of the same.

On motion of Mr. P. P. Murphy, and by unanimous consent, the rule was suspended and said bill recommitted to the committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend chapter 432 of the laws of 1847, entitled 'An act in relation to the fees and compensation of certain public officers in the city and county of New York,' with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York," with

power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide for funding and paying the floating debt of the corporation of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act in addition to the act to provide for a supply of water in the village of Newburgh, passed the 30th of March, 1852, and amended 23d of February, 1853," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Spinola, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to certain streets, avenues and roads in the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Spinola offered the following resolution :

Resolved, That the rule be suspended, so that bills may be read a third time as soon as reported, in their order.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly bill entitled "An act to change the time of holding the annual election for the election of officers of the village of Hammondsport, for the year 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Lapham	P. P. Murphy	Rotch
Blood	Goss	McGraw	Prosser	Spinola
Connolly	Kelly	Manierre	Ramsey	Truman
Ferry	Ketcham	Munroe	Robertson	Warner
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly returned the following entitled bills :

"An act to amend an act entitled 'An act to amend the charter of the Agricultural Insurance company, and to authorize that company to change its place of business.'"

"An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors."

Ordered, That the Clerk deliver said bills to the Governor.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the corporation of the city of New York to borrow a further sum of money to increase the supply of Croton water, and to extend the necessary works for accommodating and distributing the same in said city," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Assembly bill entitled "An act in relation to the salary of the keeper of the common jail of the city and county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Kelly	Munroe	Spinola	
Bell	Fiero	Ketcham	Prosser	Truman	
Blood	Gardiner	Lapham	Ramsey	Warner	
Colvin	Greene	McGraw	Richmond	Williams	20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to repeal an act entitled 'An act relating to superintendents of the poor in Queens county,' passed April 12, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	P. P. Murphy	Robertson	
Bell	Fiero	McGraw	Prosser	Spinola	
Blood	Gardiner	Montgomery	Ramsey	Warner	
Colvin	Kelly	Munroe	Richmond	Williams	
Connolly	Ketcham				22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message from the Assembly was received, informing that they had non-concurred in the passage of the following entitled bill :

"An act to exempt the county of Oneida from the operation of the 17th section of the act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857."

"An act to repeal certain sections of acts heretofore passed, relating to allotment of lands among the Seneca Indians, on the Alleghany and Cattaraugus Reservations in this State."

"An act to authorize the rebuilding a bridge across Great Sodus bay, in the town of Huron, in the county of Wayne."

The third reading of the Assembly bill entitled "An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages," having been announced,

Mr. Truman moved to recommit said bill with instructions to amend by adding "but no interest shall be paid on certificates hereafter issued," and report back forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Ketcham	Montgomery	Richmond
Blood	Hammond	McGraw	P. P. Murphy	Sessions
Colvin	Hillhouse	Manierre	Prosser	Truman
Fiero	Kelly			

17

FOR THE NEGATIVE.

Bell	Gardner	Munroe	Rotch	Warner
Connolly	Goss	Robertson	Spinola	Williams
Ferry	Lapham			

12

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows:

"An act declaring the easterly branch of the St. Regis river a public highway."

"An act to authorize the Genesee County Agricultural Society to sell and convey certain real estate."

"An act to authorize the construction of a railroad on Long Island, from the village of Huntington to a point on the East river, in the vicinity of Hunter's Point."

"An act to amend an act entitled 'An act to facilitate the collection of debts against corporations,' passed March 19, 1852."

"An act to extend York street, in the city of Brooklyn, from James street to Fulton street."

"An act for loaning certain moneys to the Antwerp Liberal Literary Institute, at Antwerp, Jefferson county."

"An act to amend the charter of the village of Herkimer, in relation to the office of police constable."

"An act to authorize the board of supervisors of the county of Kings to build a court house for said county."

"An act to amend the act entitled 'An act to incorporate the village of Yonkers, passed April 12, 1855,' and the act to amend the same and to extend the powers of the corporation of said village, passed April 17, 1857."

Ordered, That the Clerk return said bills to the Assembly.

The hour of 11 o'clock having arrived, the President announced the special order, being the Assembly bill entitled as follows:

"An act making appropriations for certain expenses of government, for the year 1860."

Mr. Robertson moved to postpone said special order for one hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Munroe	Robertson	Warner
Bell	Ketcham	Prosser	Ketch	Williams
Connolly	McGraw	Ramsey		

13

FOR THE NEGATIVE.

Blood
Colvin
Ferry
Fiero

Gardiner
Grant
Hillhouse

Kelly
Lapham
Manierre

Montgomery
P. P. Murphy
Richmond

Sessions
Spinola
Truman

16

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said special order.

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported progress on said bill and asked leave to sit again.

Mr. Truman moved that the committee of the whole be discharged from the further consideration of said bill, and that it be ordered to a third reading.

The President put the question—whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, April 13, 1860.

To the Senate,—I return without my approval the bill entitled "An act to confirm certain assessments made by the directors of the Delaware and Susquehanna Plankroad company upon the amount subscribed to the capital thereof for the payment of the debts against said company."

It seems from the papers accompanying the bill, that the company built a road at a cost of thirty thousand dollars, when they had available means to the extent of only about eighteen thousand dollars. For the balance, a debt was incurred for money borrowed on a mortgage of the road and the personal security of the directors. The income of the road proved insufficient to provide for the debt, and the stockholders then, by successive votes, laid assessments of seventy-five per cent. upon the stockholders. The bill declares these assessments legal and binding and allows the directors to collect them of the persons who were stockholders, either at the time the debt was contracted or at the time the assessments were voted, as they in each instance deem best. In brief, the bill proposes to compel stockholders who subscribed to the capital stock of a company, and who have paid for it in full, to pay seventy-five per cent. more.

In a message to the Assembly, in March 1859, accompanying a somewhat similar bill, I said, "In other words, the stockholders are to be compelled to increase their subscriptions. Having subscribed and paid for their stock at a certain par value, they are to be compelled to pay a certain percentage additional. I am not informed whether there would be in this particular case any objection on the part of any of the stockholders, but I presume that there would be, for if the consent of all could be obtained the intervention of the Legislature would not be needed or sought. If there would be any such objection, even on the part of a single stockholder, the Legislature certainly ought not, even if it has the power, to seek to compel such further payment. It will readily be perceived that there may be instances in which holders of stock would fail to pay the assessment merely from inability. This would be the case especially with

those in moderate circumstances, and those who hold stock in trust. Yet if this bill becomes a law they may be at once deprived of their stock without any fault on their part, and after they have paid all that they bound themselves to pay.

"This objection obviously involves an important principle, reaching far beyond the interests affected by this particular bill. If such a provision is right in the case of the Sennett and Auburn Plankroad company, it is equally right in the case not only of every other plankroad company, but in that of every corporation in the State.

"Believing that the provision referred to is opposed to every principle of justice and good faith, I feel confident that when the attention of the members of the Legislature is distinctly called to it they will see the propriety of reconsidering their action."

All these objections apply to the bill herewith returned, with the additional ones that the mode of enforcing payment is not the forfeiture of perhaps valueless stock, but by suit for the recovery of the money, and that the directors are given a discretion as to enforcing the assessments, a discretion not merely whether all those who were stockholders at one time or at another time shall pay, but discretion to hold one man who was unfortunate enough to own stock at the time the debt was contracted and to release another who held stock at the same time.

I recognize fully the unfortunate position in which the directors are placed, and the moral duty resting upon the stockholders to share with them the burden assumed for the common benefit, but this is no ground for so great a violation of principle as is proposed.

E. D. MORGAN.

The message having been read,

The President put the question, "Shall this bill become a law notwithstanding the objections of the Governor?" and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows:

FOR THE NEGATIVE.

Bell	Goss	McGraw	Prosser	Rotch
Connolly	Hillhouse	Manierre	Ramsay	Sessions
Ferry	Kelly	Montgomery	Richmond	Warner
Fiero	Ketcham	Munroe	Robertson	Williams
Gardiner	Lapham	P. P. Murphy		

23

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to revise the charter of the city of Oswego."

"An act to alter school district number 4, in the town of Oyster Bay, Queens county."

"An act in relation to the high schools of the city of Syracuse."

"An act to amend the act entitled 'An act to incorporate the village of Astoria, in Newtown, Queens county.'"

"An act to amend an act entitled 'An act to incorporate the Onondaga County Savings bank, in the city of Syracuse,' passed April 10, 1855."

"An act to amend an act entitled 'An act to incorporate the Cocheeton Bridge company,' passed April 7, 1817."

"An act to perfect an amendment to the Constitution abolishing the property qualification of people of color."

"An act to legalize certain proceedings of the mayor, aldermen and commonalty of the city of New York."

Ordered, That the Clerk deliver said bills to the Governor.

Mr. Prosser, from the committee on canals, to which was recommended the Assembly bill entitled "An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages," with power to report complete, reported the same complete, amended as directed by the Senate, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Spinola offered the following resolution:

Resolved, That the Senate hold a session this afternoon, at four o'clock, for the purpose of taking up the supply bill.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Blood, the Senate took a recess until 4 o'clock.

FOUR O'CLOCK.

The Senate again met.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide against unsafe buildings, in the city of New York," reported in favor of the passage of the same, with amendments.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to enable the supervisors of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," reported in favor of the passage of the same, with amendments.

On motion of Mr. Connolly, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to establish fire limits, and for the more effectual prevention of fires in the eastern district of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill referred to a select committee, consisting of the delegation from the county of Kings, to report complete.

"An act to authorize the Peekskill Turnpike company to sell to the commissioners of highways of the town of Cortlandt so much of the road of said company as is situated within said town, and to the commissioners of highways of the town of Yorktown so much of said road as is situated within said town, and to authorize the commissioners of highways of said towns respectively to buy the same," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act to amend section 22d of chapter 181 of the laws of 1857, entitled 'An act to amend an act regulating highways and bridges in the counties of Suffolk, Queens and Kings,' passed March 26, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to annex part of the town of Orange, in Schuyler county, to the town of Bradford, in Steuben county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

"An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to alter the road known as Shea's lane," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Smith Lyceum of Canastota, Madison county, New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McGraw, and by unanimous consent, the rule was suspended, and said bill referred to the committee on literature, to report complete.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to alter and amend the charter of the Homestead Fire Insurance company of the city of New York," with the following amendment.

Strike out all after the enacting clause, and insert the following:

SEC. 1. It shall and may be lawful for the Homestead Fire Insurance company of the city of New York, and it is hereby authorized and empowered, at any regular meeting, upon one month's previous notice, given at a previous meeting, to reduce the number of their directors to not less than thirteen, of whom the President shall always be one, and in like manner to cause the said name to be changed to that of the "Homestead Planters' and Farmers' Insurance company."

§ 2. Nine directors of said company shall constitute a quorum for the transaction of business at any regular meeting of the board of directors, and a majority of the same may transact its business.

§ 3. It shall be lawful for the said company at any time to unite

its business with the business of any other fire insurance company organized under the laws of the State of New York, and may unite the capital, business, and property, real and personal of any other fire insurance company with the said Homestead Fire Insurance company, whose charter is hereby amended to that extent, and whenever said latter company, with the consent of three-fourths of its stockholders, in writing, and a majority of the directors of such other fire insurance company, or with the assent of three-fourths of the stockholders thereof, in writing, shall assent to such union, then the business, capital stock and corporate name of the other company may be merged in and carried on by the company whose charter is hereby amended, and in like manner it shall be lawful for any other fire insurance company organized under the laws of this State, to unite to itself the said insurance company whose charter is hereby amended, and with use of so much of the name of the former company, separately or in addition as may be selected. In such case or cases, the stock and property, real and personal, of such united company, may be conveyed to the other company by the officers of any such united company, and the effects real and personal thereof, and the name, or any part of the name thereof as may be selected by the other company, shall pass to the said other company, and all the debts, liabilities and risks then outstanding, shall be assumed by the said other company, subject to all the terms and conditions annexed to any such liability and risks, whatever their nature may be.

§ 4. Upon the union of any other fire insurance company with said company as aforesaid, the fact thereof shall be proved by the affidavit of the president and secretary, made before a judge of any court of record, and filed in the office of the Superintendent of the Insurance Department, at Albany.

§ 5. The affidavit referred to in the last section, shall state the name of the company so merged or added, the time when the same was done, the amount of capital so merged, the terms thereof, and the amount in the aggregate of the liabilities so assumed by the union.

§ 6. This act shall take effect immediately.

Mr. Ferry moved that the Senate concur in said amendments, except the last four lines of the second section, being the words following:

"And may also provide for the maintenance and establishment elsewhere of any agency or agencies for the prosecution of the insurance business."

Mr. Robertson moved to amend, so as to concur in all of said amendments.

The President put the question whether the Senate would agree to said motion of Mr. Robertson, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Ketcham	Munroe	Robertson
Colvin	Goss	Lapham	Ramsey	Rotch
Connolly	Grant	Manierre	Richmond	Spinola
Fiero	Hillhouse			

FOR THE NEGATIVE.

Bell Ferry	McGraw Montgomery	P. P. Murphy Prosser	Sessions Truman	Warner Williams	10
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings," with the following amendments:

Section 1, line 7, strike out the words "lessors or owners" and insert in lieu thereof the words "lessees or occupants."

Same section, lines 7 and 8, strike out the words "take and hold" and insert in lieu thereof the words "quit and surrender."

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Manierre	Prosser	Rotch	21
Colvin	Hillhouse	Montgomery	Ramsey	Spinola	
Connolly	Lapham	Munroe	Richmond	Warner	
Fiero	Lapham	P. P. Murphy	Robertson	Williams	
Gardiner	McGraw				

Ordered that the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to incorporate the Transit Life Insurance company," with the following amendments:

Section 1, line 6, after the name "Draper," insert the names of "Henry W. Johnson, Michael McQuade, Henry Davidson, Theodore Baldwin, James B. Craig."

Same section, lines 9 and 10, engrossed bill, strike out the words "from any cause or."

Section 2, line 2, strike out the word "that."

Section 3, line 3, strike out the word "thirteen" and insert in lieu thereof the word "twenty."

Mr. Williams moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Connolly	Hillhouse	Montgomery	Robertson	Truman	18
Fiero	Ketcham	Munroe	Rotch	Warner	
Gardiner	Lapham	Prosser	Spinola	Williams	
Goss	McGraw	Richmond			

FOR THE NEGATIVE.

Bell	Manierre	2
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Ferry moved to reconsider the vote on concurring in the Assembly amendments to the bill entitled "An act to alter and amend the charter of the Homestead Fire Insurance company of the city of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Hillhouse	Munroe	Rotch	Warner
Ferry	McGraw	P. P. Murphy	Truman	Williams
Goss	Montgomery	Prosser		

13

FOR THE NEGATIVE.

Blood	Fiero	Ketcham	Manierre	Robertson
Colvin	Gardiner	Lapham	Richmond	Spinola
Connolly	Grant			

12

The President put the question whether the Senate would agree to said motion of Mr. Robertson, to concur in said amendments, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Fiero	Grant	Richmond	Sessions
Colvin	Gardiner	Ketcham	Robertson	Spinola
Connolly				

11

FOR THE NEGATIVE.

Bell	Lapham	Montgomery	Prosser	Warner
Ferry	McGraw	Munroe	Rotch	Williams
Hillhouse	Manierre	P. P. Murphy	Truman	

14

The President then put the question whether the Senate would agree to said motion of Mr. Ferry, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Manierre	Prosser	Spinola
Colvin	Hillhouse	Montgomery	Robertson	Truman
Connolly	Ketcham	Munroe	Rotch	Warner
Ferry	Lapham	P. P. Murphy	Sessions	Williams
Gardiner	McGraw			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments, except the last four lines of section 2, as follows: "And may also provide," &c.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend the several acts in relation to State Prisons," with the following amendments:

Section 1, lines 9 and 10, engrossed bill, after the word "month" insert the words "except in the months when the quarterly meetings occur."

Sec. 2, line 9, strike out the words "one week" and insert in lieu thereof the words "ten days."

Add at the end of line 6, sec. 2, the following: "But during such suspension such officer shall not receive any remuneration whatever."

Sec. 7, line 8, strike out the words "one hundred and."

Sec. 8, line 7, before the word "supervisor" insert "direction and."

Sec. 9, line 11, strike out "twenty-eight," and insert in lieu thereof "twenty-four."

Sec. 12, strike out lines 90, 91, 92, 93, and the syllable "tract" in line 94.

Insert the following as section fifteen:

"§ 15. Whenever there shall be more convicts in any State prison than there are separate cells for the accommodation of each, and there are vacant cells in either of the other prisons, the Inspectors of State Prisons may order the agent and warden of the prison in which such convicts are confined, to order the transfer of such number of convicts as there shall be vacant cells in the prison to which they are transferred. In selecting convicts so to be transferred, the agent and warden shall take those convicts last received at the prison."

Mr. Munroe moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Sessions
Bell	Gardiner	Manierre	Richmond	Truman
Colvin	Hillhouse	Montgomery	Robertson	Warner
Connolly	Ketcham	Munroe	Rotch	Williams
Ferry	Lapham			

22

FOR THE NEGATIVE.

Grant

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled bill:

"An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings."

Ordered, That the Clerk deliver said bill to the Governor.

The Assembly returned the concurrent resolutions in relation to the publication of the Transactions of the State Agricultural Society, and the Transactions of the American Institute, with a message that they had non-concurred in the amendments of the Senate thereto.

Mr. Rotch moved that the Senate recede from said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Richmond	Sessions
Colvin	Goss	Munroe	Robertson	Warner
Connolly	Grant	Prosser	Rotch	Williams
Fiero	Ketcham			

17

FOR THE NEGATIVE.

Bell	McGraw	Montgomery	Spinola	Truman
Hillhouse	Manierre			

7

Ordered. That the Clerk return said resolutions to the Assembly, with a message informing that the Senate have receded from their amendments.

A message from the Assembly was received, informing that they had non-concurred in the amendments of the Senate to the bill entitled as follows:

"An act authorizing the board of supervisors of the county of Kings to build a court house for said county."

Mr Spinola moved to refer said amendments to the committee on the internal affairs of towns and counties.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bill:

"An act authorizing the Brooklyn Central, and the Brooklyn and Jamaica Railroad companies to consolidate and continue their roads."

Ordered, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein," with a message that they insist upon their non-concurrence with the amendments of the Senate to the same.

Mr. Fiero moved that the Senate insist on their amendments, and ask for a committee of conference.

Mr. Sessions moved to amend, that the Senate adhere.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	J. M. Murphy	Spinola	
Blood	Gardiner	Kelly	Sessions	Truman	
Colvin	Grant	Manierre			13

FOR THE NEGATIVE.

Bell	Hillhouse	Montgomery	Prosser	Rotch	
Ferry	Ketcham	Munroe	Ramsey	Warner	
Fiero	Lapham	P. P. Murphy	Richmond	Williams	
Goss	McGraw				17

Mr. Spinola was proceeding to debate, when he was called to order by the President, on the ground that he had, under the ten minute rule, exhausted his right to speak.

Mr. Spinola moved that he be allowed to proceed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Grant	Kelly	Sessions	
Blood	Fiero	Hammond	J. M. Murphy	Spinola	
Colvin	Gardiner	Hillhouse	Richmond	Truman	15

FOR THE NEGATIVE.

Bell	Goss	Munroe	Prosser	Rotch	
Ferry	McGraw	P. P. Murphy	Ramsey	Warner	10

Mr. Spinola was again proceeding to debate, when he was called to order by the President, on the ground that he had spoken the length of time allowed him by the Senate.

Mr. P. P. Murphy moved that the vote on the motion of Mr. Fiero, be taken at ten minutes to seven, without delay or debate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Ketcham	Munroe	Ramsey	Truman
Ferry	Lapham	P. P. Murphy	Richmond	Warner

Fiero Goss	McGraw Montgomery	Prosser	Rotch	Williams	17
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FOR THE NEGATIVE.

Abell Blood Colvin	Connolly Gardiner Grant	Hammond Hillhouse Kelly	Manierre J. M. Murphy	Sessions Spinola	13
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The hour of ten minutes to seven having arrived, the President announced the special order, being the question on the motion of Mr. Fiero, that the Senate insist upon said amendments, and ask for a committee of conference.

Mr. Hammond called for a division of the question.

The President put the question whether the Senate would agree to so much as relates to insisting on the Senate amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell Colvin Connolly Ferry Fiero	Gardiner Grant Hammond Hillhouse	Ketcham Lapham McGraw Manierre	Montgomery Munroe Prosser Ramsey	Richmond Rotch Sessions Warner	21
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FOR THE NEGATIVE.

Bell Williams	Blood	Goss	J. M. Murphy	Truman	6
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The President then put the question whether the Senate would agree to so much as relates to the appointing a new committee of conference, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell Ferry Fiero Goss	Hillhouse Ketcham Lapham McGraw	Montgomery Munroe P. P. Murphy	Prosser Ramsey Richmond	Rotch Warner Williams	17
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FOR THE NEGATIVE.

Abell Blood Colvin	Connolly Gardiner Grant	Hammond Kelly Manierre	J. M. Murphy Sessions	Spinola Truman	13
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The President announced the appointment of Messrs. Fiero, Montgomery and Hillhouse, as such committee on the part of the Senate.

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate insist on their amendments, and request a committee of conference.

Mr. Hammond moved that said committee be directed to make report to the Senate to-morrow, at 12 o'clock.

Mr. P. P. Murphy moved to amend by adding the words "if practicable."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative.

The hour of 7 o'clock having arrived,

Mr. Truman moved that the special order, being the consideration of Assembly bills on general order, be postponed until 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Truman, the Senate took a recess until 8 o'clock.

EIGHT O'CLOCK.

The Senate again met.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act for the relief of C. A. Burr for damages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to amend an act passed April 7, 1859, entitled 'An act to amend an act to incorporate the Monroe and Haverstraw Road company,' passed March 10, 1824," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the board of supervisors of Westchester county to increase the compensation of constables attending courts of record therein," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the internal affairs of towns and counties, to report complete.

"An act to incorporate the 'Hermitage Association,' in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The Assembly returned the bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein," with a message that they had assented to a committee of conference, and had appointed on their part Messrs. Flagler, Ellsworth, O. Allen, Downs and Hall, as such committee.

The President announced the special order, being the third reading of the Assembly bill entitled "An act making appropriations for certain expenses of government, for the year 1860."

Mr. Connolly moved to recommit, with instructions to amend by inserting the following:

"That the Sergeant-at-Arms of the Senate, be paid \$200 extra for services during the session of the Senate, to be paid by the Comptroller, on the signature of the President of the Senate."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood
Colvin

Connolly
Gardiner

Goss
Kelly

Lapham
Manierre

Robertson
Sessions

19

FOR THE NEGATIVE.

Bell	Ketcham	Prosser	Rotch	Warner	13
Ferry	Munroe	Ramsey	Truman	Williams	
Grant	P. P. Murphy	Richmond			

On motion of Mr. Richmond, and by unanimous consent, said bill was amended by adding thereto the following :

"To Charles Walker, messenger to the Speaker, and William D. Dickerman, messenger to the Sergeant-at-Arms of the Assembly, the sum of two dollars a day, to be paid on the certificate of the Speaker."

Mr. Truman moved to recommit said bill, with instructions to amend by striking out the following :

"To the Bank of Sing Sing, the sum of \$23,616, being a claim made by the said bank for moneys advanced to the agent of the Sing Sing Prison for the use of said prison, upon the certificate of the Attorney General of the State, that the money so advanced was disbursed for the use of said prison, and that the bank has a legal claim upon the State for the repayment of said moneys."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	McGraw	Prosser	Truman	11
Blood	Goss	P. P. Murphy	Rotch	Warner	
Colvin					

FOR THE NEGATIVE.

Bell	Grant	Manierre	Richmond	Spinola	14
Connolly	Ketcham	J. M. Murphy	Robertson	Williams	
Gardiner	Lapham	Ramsey	Sessions		

Mr. Sessions moved to recommit, with instructions to amend by striking out the words "the sum of ten dollars a day," and inserting in lieu thereof the words "the sum of \$1,000 to Ward Hunt, Isaac Dayton, and James Parker."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	J. M. Murphy	Robertson	18
Blood	Gardiner	Ketcham	Ramsey	Sessions	
Colvin	Goss	Lapham	Richmond	Spinola	
Connolly	Grant	Manierre			

FOR THE NEGATIVE.

Bell	Prosser	Truman	Warner	Williams	7
P. P. Murphy	Rotch				

Mr. Sessions, from the committee on finance, reported said bill back as directed by the Senate.

Mr. Truman moved to recommit, with instructions to amend by inserting the following :

In the Senate amendment, relating to the claim of the Sing Sing Bank, after the words "Attorney General" insert the words "Secretary of State and Comptroller, or a majority of them."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Grant	Munroe	Prosser	Truman	
Bell	Kelly	J. M. Murphy	Richmond	Warner	

Connolly Ferry	Manierre	P. P. Murphy	Spinola	Williams	17
FOR THE NEGATIVE.					
Blood Colvin	Goss Ketcham	Lapham Ramsey	Robertson Botch	Sessions	9

Mr. Sessions reported said bill back with amendment, as directed.

Mr. Colvin moved to recommit, with instructions to amend by inserting the following :

"The sum of \$300 is hereby appropriated to be paid to James Kennedy, clerk in the Comptroller's office during the years 1858 and 1859, for extra services in preparing for the tax sale of 1852, 1853, 1854 and 1855."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.					
Abell	Gardiner	Manierre	Ramsey	Sessions	16
Blood	Kelly	Munroe	Robertson	Spinola	
Colvin	Ketcham	J. M. Murphy	Botch	Williams	
Connolly					

FOR THE NEGATIVE.					
Bell	Grant	McGraw	Prosser	Truman	11
Ferry	Lapham	P. P. Murphy	Richmond	Warner	
Goss					

Mr. Session reported the bill, with amendment, as directed.

Mr. Goss moved to recommit, with instructions to amend by inserting an additional appropriation of \$100 to Joseph Garlinghouse.

The President put the question whether the Senate would agree to said motion of Mr. Goss, when the vote was as follows :

FOR THE AFFIRMATIVE.					
Abell	Connolly	Kelly	P. P. Murphy	Sessions	14
Blood	Gardiner	Manierre	Ramsey	Spinola	
Colvin	Goss	J. M. Murphy	Robertson		

FOR THE NEGATIVE.					
Bell	Ketcham	Montgomery	Richmond	Warner	14
Ferry	Lapham	Munroe	Botch	Williams	
Grant	McGraw	Prosser	Truman		

The President voted in the negative, and declared the motion lost.

Mr. Grant moved to recommit, with instructions to amend by inserting the following :

"The sum of \$250 to E. A. Barker, for extra services as clerk in the Comptroller's office."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.					6
Connolly Grant	Manierre	Ramsey	Sessions	Truman	
FOR THE NEGATIVE.					
Abell	Ferry	Ketcham	P. P. Murphy	Botch	
Bell	Fiero	Lapham	Richmond	Warner	
Blood	Gardiner	McGraw	Robertson	Williams	
Colvin	Kelly	Munroe			10

Mr. P. P. Murphy moved to reconsider the vote recommitting said bill, with instructions to insert \$300 for James Kennedy.

Mr. Spinola moved to amend, that the Clerk proceed to the third reading of said bill, and that its reading be finished without delay or debate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	J. M. Murphy	Rotch
Bell	Fiero	Ketcham	P. P. Murphy	Sessions
Blood	Goss	Lapham	Richmond	Spinola
Colvin	Grant	Manierre	Robertson	Williams
Connolly				

21

FOR THE NEGATIVE.

McGraw	Montgomery	Prosser	Ramsey	Warner	5
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Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Munroe	Rotch
Blood	Fiero	Lapham	J. M. Murphy	Sessions
Colvin	Gardiner	Manierre	Robertson	Williams
Connolly	Goss			

17

FOR THE NEGATIVE.

Bell	McGraw	Prosser	Spinola	Warner	9
Grant	Montgomery	Ramsey	Truman		

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, April 13, 1860.

To the Senate,—I herewith return without my approval the bill entitled "An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same."

The bill provides that the State Engineer and Surveyor, shall cause to be surveyed, all the lands belonging to the State on the Hudson and East rivers, outside of the grants heretofore made to the city of New York.

After the survey is completed, the municipal authorities of that city are to have the option of purchasing the lands at a price to be fixed by the Commissioners of the Land Office. If the bill stopped here it would have met my approval, though in my opinion it would have been better to have provided for a sale at auction to the highest bidder. But the bill goes on to provide that "it shall be the duty of the comptroller of the city of New York and he is hereby authorized and directed to purchase and acquire, in the name and for the benefit of

the corporation of said city, any title, claim, or interest, which any person or persons may have as grantee or grantees, lessee or lessees of the State, in or to any of the lands surveyed as in this act provided; and also to compromise, settle and pay off, upon such terms as he shall deem most advantageous to the corporation of said city, any and all claims, rights of action, and demands of every description, which any person or persons, or his or their heirs, executors, administrators or assigns, now have or may, or can have, against the mayor, aldermen and commonalty of said city, arising from or growing out of the use or occupation of said lands or any part thereof, by the corporation of said city, its grantees or lessees."

If this provision is to be interpreted literally it would compel the comptroller to extinguish claims upon lands which the city had refused to purchase, and which therefore remain the property of the State, for this duty is imposed upon the comptroller as to all lands surveyed, not simply all lands purchased.

It compels the comptroller of the city to purchase a lease, the validity of which he, in connection with the corporation counsel, is at the present moment contesting in the courts, and to extinguish judgments to the amount of over six hundred thousand dollars, the justice of which the comptroller is taking measures to dispute. Even if this obligation is intended to be conditional upon the purchase of the lands, the result may be to compel the city to pay judgments which its authorities have represented to me to be fraudulent and unjust, in order to enable the city to purchase lands it desires to obtain.

If the judgments are valid the city is abundantly responsible, and will be compelled by the courts to pay them, and there is no reason why the Legislature should attempt to anticipate the action of the proper tribunals.

Indeed, if the judgments had not been obtained for the occupation of a portion of the lands to be conveyed, no one would have thought of inserting such a provision into this bill. A moment's reflection will, however, show that this fact makes no difference as to the propriety of the provision. The judgments are against the city, not against the State, and they are, consequently, not a lien upon the land. If the city is willing to purchase the land it should have the permission to do so untrammelled by the obligation to pay judgments it is contesting. This course involves no injustice to the plaintiffs in the judgments. It leaves them where they are. They have the responsibility of the city, and they should have no more.

The tribunals of justice will, in due time, enforce the collection of the judgments, if they are right. Meanwhile the action of the authorities of the State and city, respectively, should remain uninfluenced by extraneous matters.

I must not be understood as expressing any opinion as to the rights of the State in the lands affected by this bill. They are of such a nature that responsible persons are prepared to purchase them, and the Commissioners of the Land Office have full power to sell them. So far as the State is concerned there is no possibility

that her pecuniary interests can be injured by the failure of this bill to become a law, while the authorities of the city of New York protest that it is unjust to that city.

The law officer of the city, Hon. Greene C. Bronson, in a communication addressed to me since the passage of the bill, says:

"The bill in question presents a case of legislation which is believed to be without a precedent in the history of any free people.

"Judgments have been recovered against the city for nearly six hundred thousand dollars. In two of the three cases appeals are regularly pending to review the judgments, and measures are in progress to set them all aside on the ground of collusion and fraud. In this state of things, when the city is seeking to vindicate its rights through the action of the judiciary, the legislature steps in and declares, in effect, that the city shall have no review, arrests the ordinary course of justice, and directs the payment of the judgments. If such a thing can be done without violating the fundamental principles of government, it is not too much to say that the Constitution in its present form is not worth preserving. I must not be understood as imputing improper motives to the members of the Legislature. They have undoubtedly acted upon erroneous information."

E. D. MORGAN.

The message having been read, Mr. Ramsey moved to lay it on the table.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

A further message was received and read, from His Excellency the Governor, in the words following, to wit:

ALBANY, *April 13, 1860.*

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

April 11. "An act relating to the free bridge across the Mohawk river, erected by the Fort Plain and Palatine Free Bridge Association."

11. "An act referring the claim of Jacob D. Kingsland."

11. "An act to authorize the board of education of the city of Syracuse to dispose of gospel and school lot in the first ward of said city."

11. "An act to incorporate the "Rose" Beneficent Association, of the city of New York."

11. "An act to incorporate the Long Island steamboat company."

11. "An act to provide for completing the bridge across the Esopus creek, near the house of Jacob B. Davis, in the town of Marbletown, in the county of Ulster."

11. "An act to provide for the manner of holding elections on the Cattaraugus and Allegany Reservations in this State."

- April 11. "An act to amend an act entitled 'An act to amend an act to incorporate the Port Richmond and Bergen Point ferry company,' passed April 17th, 1857."
11. "An act to amend the Revised Statutes in relation to division fences."
11. "An act to authorize the construction of a bridge across the mouth of Croton river."
11. "An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17th, 1848."
11. "An act to amend an act entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15th, 1859."
11. "An act to amend section 37, article 2, title 4, chapter 2, of part 4 of the Revised Statutes, entitled "Of indictments and proceedings thereon."
11. "An act to incorporate the Suffolk County Society."
11. "An act to amend the charter of the Watertown and Rome railroad company."
11. "An act requiring the commissioners of excise of the several counties of this State to report annually to the boards of supervisors of the several counties."
11. "An act to authorize the board of supervisors of Cattaraugus county to change the site of the poorhouse in said county, and to sell the poorhouse farm."
11. "An act to amend the Revised Statutes in respect to county clerks and clerks of courts of record."
11. "An act to confirm the title of a certain piece of land to John A. Winkel."
11. "An act to provide for the sale of the Montgomery county poor house farm and property."
11. "An act for the relief of Margaret Zaph and Joseph Velkl, heirs of George Enselein."
11. "An act to incorporate the Atlantic savings bank, of the city of New York."
11. "An act to amend an act to empower the Congregation B'Nai Jeshurun of the city of New York, to change the number of their trustees, and to alter and protect their Cemetery, passed March 12, 1856."
12. "An act authorizing the town of Yonkers to raise money by loan to macadamize the Albany post road from Kingsbridge to Yonkers, and to plank the causeway leading from Kingsbridge to Spuyten Duyvil bridge."
12. "An act authorizing the reports of the male and female departments of State prisons to be made separately."
12. "An act to extend the time for furnishing and putting in operation the Sodus Point and Southern railroad."
12. "An act to extend the time for the completion of the Lebanon Springs railroad."

- April 12. "An act to amend the act entitled 'An act to incorporate the village of Lyons,' passed April 17, 1854, and the acts amending the same."
12. "An act to amend the act entitled 'An act to authorize the commissioners of highways to build a bridge over the south branch of the Black river, in the village of Watertown, passed April 11, 1859.'"
12. "An act to incorporate the Gymnasium of the Brooklyn Young Men's Christian Association."
12. "An act to establish and maintain a steam ferry between Sag Harbor, Greenport and Riverhead in the county of Suffolk."
12. "An act to amend an act entitled 'An act in relation to school district number 6, in the town of Lyons, Wayne county,' passed April 7, 1856."
12. "An act to amend an act entitled 'An act to amend the act entitled An act to incorporate the village of Bath,' passed June 20, 1851."
12. "An act to incorporate the Oswegatchie fair ground company."
12. "An act to allow the Syracuse and Tully plankroad company to appeal in certain cases."
12. "An act to authorize the treasurer of Monroe county to collect certain taxes."
12. "An act in relation to the collection of county taxes in the city of Rochester, in the county of Monroe."
12. "An act relative to the county treasurer of the county of Rensselaer."
12. "An act to provide for the publication of legal notices in the county of Hamilton."
12. "An act in relation to an insane asylum connected with the poorhouse in the county of Genesee, and to enable the superintendent of the poor of said county to maintain actions and recover pay for the care, maintenance and medical treatment of insane persons at such asylum."
12. "An act in relation to the Reservation Central plankroad, in the county of Erie."
12. "An act to divide the Sixth judicial district of the city of New York."
12. "An act to authorize the trustees of school district No. 21, of the town of Huntington, to borrow money."
12. "An act for the preservation of fish in certain bays and streams in the county of Monroe."
12. "An act to amend an act entitled 'An act to incorporate the Peekskill savings bank,' passed April 18, 1859."
12. "An act to legalize and confirm the election of trustees and other village officers of the village of Gloversville, in the county of Fulton."

- April 12. "An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for the support of roads and bridges, and to provide for increased compensation of commissioners of highways and other town officers,' passed April 15th, 1857."
12. "An act to legalize the election and confirm the acts of the officers of the village of Walton, Delaware county."
12. "An act to confirm the title of certain real estate belonging to the General Society of Mechanics and Tradesmen of the city of New York."
12. "An act to provide for the compensation of the crier of the courts of record, in the county of Herkimer."
12. "An act to amend chapter 315 of the laws of 1859."
12. "An act in relation to the Reciprocity bank."
12. "An act to amend an act entitled 'An act for the more effectual draining of certain swamp and low lands, in the towns of Pine Plains and Stanford, in the county of Dutchess,' passed April 14, 1859."
12. "An act to incorporate the Sag Harbor savings bank."
12. "An act to revive an act to provide for laying out and constructing the Warren and Hamilton county road."
12. "An act to provide for the more effectual insurance of school houses."
12. "An act to incorporate the Albany Turnverein."
12. "An act supplementary to the act entitled 'An act to incorporate the Hebrew Benevolent Society of the city of New York,' passed February 2, 1832."
12. "An act to authorize the clerk of the county of Genesee to transcribe so much of the records of Ontario county as relates to lands in the county of Genesee."
12. "An act to authorize the commissioners of highways of the town of Perrysburgh, in the county of Cattaraugus, to repair the highway road district No. 1, in said town."
12. "An act to amend an act incorporating the village of Jamestown."
12. "An act to incorporate the Schoharie Valley Stock Growers' Association."
12. "An act to amend an act entitled 'An act to divide the town of Chateaugay, Franklin county, into two election districts,' passed April 9, 1859."
12. "An act to amend section 7, of title 1, chapter 7, part 2, of the Revised Statutes."
12. "An act providing for the election of trustees of Spring Forest Cemetery Association, and legalizing the acts of the trustees and other officers of said association."
12. "An act to extend the term of office of constables, in the city of New York, from one to two years."

- April 12. "An act to incorporate the Buffalo Agricultural and Industrial Association."
12. "An act to incorporate the Western New York Agricultural, Horticultural and Mechanical Association."
12. "An act to provide for the payment of the principal and interest of the bonds of the village of Rome, issued to the Ogdensburgh, Clayton and Rome railroad company."
12. "An act to amend an act entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' passed June 24, 1853, and the amendment thereto passed July 18, 1858."
12. "An act to incorporate the Homeopathic Medical College of the State of New York, in New York city."
12. "An act for the incorporation of the Dyckman library of the city of New York."
12. "An act to amend an act entitled 'An act to incorporate the Southold savings bank,' passed April 7, 1858."
12. "An act for the protection of the proprietor or proprietors of Young's lake, in Florida, Montgomery county, in the production and preservation of fish in said lake."
12. "An act to alter the map of the late village of Williamsburgh, now city of Brooklyn, by striking out a part of a street."
12. "An act in relation to Union village, in the county of Washington, and to amend the charter thereof."
12. "An act to provide for the widening of Fourth avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue."
12. "An act to incorporate the Rhinebeck savings bank."
12. "An act requiring the justices of the peace in the several towns of Monroe and Niagara counties, and the police justice of the city of Rochester, to pay over to the county treasurer all fines received by them, and to report annually to the board of supervisors."
12. "An act to incorporate the Southwestern Mining and Land company."

E. D. MORGAN.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement," with the following amendments :

Sec. —, line 11, engrossed bill, after the word "been" insert the word "jointly."

Same section, line 12, after the word "be," insert the words "just and equitable."

Same section, line 13, after word "is," insert the word "justly."

Mr. Prosser moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Blood	Ketcham	P. P. Murphy	Robertson	Warner	
Goss	Munroe	Prosser	Sessions		9

FOR THE NEGATIVE.

Abell	Fiero	Lapham	J. M. Murphy	Rotch	
Bell	Gardiner	McGraw	Ramsey	Truman	
Colvin	Grant	Manierre	Richmond	Williams	
Ferry	Kelly	Montgomery			18

Mr. Prosser moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act for the relief of Lewis Benedict, for canal damages," with the following amendment:

Insert in line 4, engrossed bill, after the word "canal" the words "after January 1, 1857."

Mr. Goss moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Grant	Munroe	Ramsey	
Bell	Fiero	Kelly	J. M. Murphy	Sessions	
Blood	Gardiner	Ketcham	P. P. Murphy	Spinola	
Colvin	Goss	McGraw	Prosser	Warner	
Connolly					21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The committee of conference, on the part of the Senate, on the appropriation bill, report that they have met a like committee from the Assembly, and agreed on the following report:

The committee of conference recommend a concurrence in the following amendments by the Senate in line 64 of the engrossed appropriation bill of \$1,500, struck out by the Senate, for military tactics. Also, the committee concur in the Senate amendment striking out \$500, for expenses of court martial. Also, the committee concur in striking out the sum of \$150 for the judge advocate, and allow to the Adjutant General's department, for incidental expenses, the sum of \$1000. Also, concur in the Senate's amendment allowing \$100, for expenses in the Inspector General's department. Also, concur in the Senate's amendments striking out the words "and so forth," wherever they occur. Also, concur in the Senate's amendment striking out \$25,000 of the sum for State printing. Also, concur in Senate's amendment striking out \$5,000 out of the amount to the Commissary's department. Senate recedes from amendments striking out the appropriation to the Cayuga marshes. Also, concur in the Senate's amendments increasing the

amount to Treasurer's department, for clerk hire \$400. Also, the committee agree to strike out the words inserted by the Senate, "and State library."

The Senate recedes from its amendment increasing the amount to Sing Sing prison \$100, for books. Also, committee concur in the Senate's amendment inserting the words "at its own expense," in the appropriation to the deaf and dumb, on line 245 and on line 262. Also, the committee concur with the Senate's amendment striking out the appropriation to the blind pupils. Also, concur with Senate's amendment in striking out the appropriation to the orphan asylums down to line 301; to the Brooklyn Industrial Association, and to the several hospitals in the State \$15,000. To the New York hospital \$10,000. To the Jews' hospital \$2,000. To the Buffalo asylum for widows and lying-in-women \$700. To the New York Eye and Ear Infirmary \$700. Ophthalmic Hospital, in the city of New York, \$700. To the Children's Aid Society, in the city of New York, \$2,000, (strike out.)

Senate recedes from its amendment striking out \$2,000 for counsel to assist the Attorney General. Committee concur in the Senate's amendment allowing \$4,000.

To State Assessors—Senate recedes from its amendment of \$100.

To the Regents of the University, for printing, stationery and postage, and other incidental expenses. The Senate recedes from its amendment of \$800, to Orville L. Holley.

The committee concur in the Senate's amendments allowing \$5,000 to the Montezuma salt springs, with an amendment directing the same to be paid out of the revenues of the Montezuma salt springs.

The committee concur in the Senate's amendment reducing the amount to the Onondaga salt springs to \$45,000.

The Senate recedes from its amendment allowing E. B. O'Calligan the sum of \$2,000, for completing the index to the Colonial History.

The committee concur with the Senate in striking out \$5,000, to the Board of Commissioners of Pilots.

Senate recedes from its amendment striking out the sum of \$5,000 for the Harbor Commissioners' map.

The committee concur in the Senate's amendment striking out \$2,500, to complete the physical survey of the harbor of New York.

The committee concur in the Senate's amendment inserting the word "nine," in the appropriation to the inspectors of gas meters.

The committee concur in the Senate's amendment inserting the word "fifteen," in the appropriation to the academies, for the instruction of common school teachers.

The Senate recedes from the appropriation of \$1,200, to be paid for the New York Teacher.

The Senate recedes from the amendment striking out the Inspector General's salary and expenses, and Commissary General's salary, on lines 74, 75, 76 and 77.

R. GRANT,
W. L. SESSIONS,
F. A. CONKLING,

T. T. FLAGLER,
N. H. ODELL,
(Under protest,) W. H. PAYNE.

The President put the question whether the Senate would agree on concurring in the report of the committee of conference, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ketcham	Munroe	Ramsey	Sessions
Colvin	Lapham	J. M. Murphy	Richmond	Truman
Connolly	McGraw	P. P. Murphy	Robertson	Warner
Fiero	Montgomery	Ramsey	Rotch	Williams
Goss				

21

FOR THE NEGATIVE.

Gardiner

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the report of the conference committee.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to provide for the appraisal and payment of canal damages to Abel Downs and Seabury S. Gould," with the following amendments :

Strike out all after the enacting clause, and insert the following :

Sec. 1. The time for filing the claims before the Canal Appraisers, shall be extended for one year from the passage of this act to Abel Downs and Seabury S. Gould, of Seneca Falls, for damages alleged to have been sustained by them, formerly known as the Globe Mills, in the year 1858, and if the Canal Appraisers shall deem the State legally liable for such damages, to make such award therefor as shall be just.

§ 2. The Treasurer shall pay upon the warrant of the Auditor of the Canal Department, such sum (if any) as shall be awarded to said Downs and Gould, out of any money appropriated, or which may be appropriated for the enlargement of the Cayuga and Seneca canal.

§ 3. This act shall take effect immediately.

Mr. Truman moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	J. M. Murphy	Rotch
Bell	Gardiner	Manierre	P. P. Murphy	Sessions
Colvin	Goss	Montgomery	Prosser	Truman
Connolly	Ketcham	Munroe	Ramsey	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Truman moved that the Assembly bill entitled "An act in relation to capital punishment, and to provide for the more certain punishment of the crime of murder," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Clerk was proceeding to read said bill, when

Mr. Warner moved to recommit, with instructions to amend, as follows :

Sec. 4, lines 2 and 3, strike out the words "he shall at the same time be sentenced," and the words "at hard labor," and insert in lieu thereof the following: "the court shall fix the time when such sentence shall be carried into execution, and shall at the same time sentence the criminal."

Sec. 5, line 5, after the word State, strike out the balance of the section, being the words following: "nor until a warrant shall be issued by the governor, under the great seal of the State, directed to the sheriff of the county in which the State Prison may be situated, commanding the said sentence of death to be carried into execution."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	McGraw	Warner	Williams	
Ferry					6

FOR THE NEGATIVE.

Abell	Grant	Montgomery	Prosser	Sessions	
Blood	Kelly	Munroe	Ramsey	Spinola	
Colvin	Lapham	J. M. Murphy	Robertson	Traman	
Connolly	Manierre	P. P. Murphy	Rotch		19

On motion of Mr. Colvin, and by unanimous consent, said bill was amended by inserting the following:

"The presiding judge of the court at which such conviction shall have taken place, shall immediately thereupon transmit to the Governor of the State, by mail, a statement of such conviction and sentence, with the notes of testimony taken by such judge on the trial."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Manierre	P. P. Murphy	Rotch	
Blood	Kelly	Montgomery	Prosser	Sessions	
Colvin	Ketcham	Munroe	Ramsey	Spinola	
Connolly	Lapham	J. M. Murphy	Robertson	Traman	20

FOR THE NEGATIVE.

Ferry	Gardiner	McGraw	Warner	Williams	
Fiero	Goss	Richmond			8

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act for the release of certain lands of which John McCall died seized, to Rebecca McCall, his widow."

"An act authorizing the election of trustees and other officers of the village of Gloversville."

"An act to alter the map or plan of the city of New York."

Ordered, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act to alter and amend the charter of the Homestead Fire Insurance company of the city of New York," with a message that they had receded from that part of their amendments in which the Senate non-concurred.

Ordered, That the Clerk return said bill to the Assembly.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows:

"An act to make separate road districts of the second and third election districts of the town of Southfield, and the first and second election districts of the town of Castleton, in the county of Richmond, and to provide for draining the same."

"An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same."

"An act to widen and improve Bushwick avenue, and other streets in the city of Brooklyn."

Ordered, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bill:

"An act to incorporate the Transit Life Insurance company."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Truman, the Senate adjourned.

SATURDAY, APRIL 14, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

On motion of Mr. P. P. Murphy the reading of the journal was dispensed with.

By unanimous consent, Mr. P. P. Murphy moved that the Assembly bill entitled "An act in relation to surplus waters of the canal at Lockport and the lessees thereof," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to provide against unsafe buildings in the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act releasing the interest of the State in lands heretofore held by Peter Gates, late of the town of New Utrecht, in the county of Kings," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to police commissioners, police officers, and police justice in the town of Newburgh, in the county of Orange," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the Peekskill turnpike company to sell to the commissioners of highways of the town of Cortlandt, so much of the road of said company as is situated within said town, and to the commissioners of highways of the town of Yorktown so much of said road as is situated within said town, and to authorize the commissioners of highways of said towns respectively to buy the same," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act passed April 7, 1859, entitled 'An act to amend an act to incorporate the Monroe and Haverstraw road company,' passed March 10, 1824," reported in favor of the passage of the same.

On motion of Mr. Lapham, and by unanimous consent, the rule was suspended and said bill recommitted to the committee, to report complete.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to alter the road known as Shea's lane," reported in favor of the passage of the same.

On motion of Mr. Lapham, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend sections 22, of chapter 181, of the laws of 1857, entitled "An act to amend an act regulating highways and bridges in the counties of Suffolk, Queens and Kings, passed March 26, 1857," reported in favor of the passage of the same.

On motion of Mr. Lapham, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee, to report complete.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act relative to harbor masters of the port of New York, and defining their powers and duties, and for the better protection of the harbor of New York city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to incorporate the Harlem Stage and Ferry company of

the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to incorporate the New York Volunteers' Burial and Monument Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act for the relief of G. Houck," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of John N. Elmore," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill was referred to the committee on the judiciary to report complete.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the board of supervisors of Westchester county to increase the compensation of constables," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Assembly bill entitled "An act for the incorporation of the trustees of the parochial fund of the Protestant Episcopal church, in the diocese of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	P. P. Murphy	Robertson
Bell	Grant	Manierre	Prosser	Rotch
Colvin	Kelly	Munroe	Ramsey	Truman
Connolly	Ketcham	J. M. Murphy	Richmond	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The third reading of the bill entitled "An act to incorporate the village of White Plains," having been announced,

Mr. Manierre moved to recommit said bill, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Munroe	Prosser	Rotch
Bell	Goss	J. M. Murphy	Ramsey	Warner
Colvin	Ketcham	P. P. Murphy	Robertson	Williams
Connolly	Lapham			

17

FOR THE NEGATIVE.

Kelly Manierre Truman 3

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the preservation of moose, wild deer, birds and fish," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Kelly	J. M. Murphy	Richmond	Spinola
Colvin	Ketcham	P. P. Murphy	Robertson	Truman
Connolly	Manierre	Ramsey	Rotch	Williams
Goss	Munroe			

17

FOR THE NEGATIVE.

Bell Lapham Prosser Warner 4

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act to amend the Code of Procedure," having been announced,

On motion of Mr. Colvin, and by unanimous consent, said bill was amended by striking out the first section and adding at the end of section 11, the following: "If the judgment be reversed at the general term and a new trial ordered, it shall not be deemed to have been reversed on questions of fact, unless so stated in the judgment of reversal; and in that case the question whether the judgment should have been reversed either upon questions of fact or of law, shall be open to review in the court of appeals."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	Prosser	Rotch
Bell	Kelly	Munroe	Ramsey	Spinola
Colvin	Lapham	J. M. Murphy	Richmond	Truman
Connolly	McGraw	P. P. Murphy	Robertson	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to authorize the Flatbush Plankroad company, in Kings county, to allow a horse railroad track to be laid on their road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Munroe	Ramsey	Rotch
Blood	Kelly	J. M. Murphy	Richmond	Spinola

Colvin	Lapham	P. P. Murphy	Robertson	Truman	
Connolly	McGraw	Prosser			18

FOR THE NEGATIVE.

Williams					1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act in relation to the Colonial History of the State of New York, and the index thereof," having been announced,

On motion of Mr. Williams, and by unanimous consent, said bill was amended by adding "the reporters of the Senate and Assembly." Also, strike out "copy" and insert "set."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Lapham	P. P. Murphy	Spinola	
Bell	Ferry	McGraw	Prosser	Warner	
Blood	Goss	Munroe	Rotch	Williams	
Colvin	Kelly	J. M. Murphy			18.

FOR THE NEGATIVE.

Manierre	Truman				2.
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, with amendments.

The Assembly bill entitled "An act to amend chapter 432 of the laws of 1847, entitled 'An act in relation to the fees and compensation of certain public officers in the city and county of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Lapham	J. M. Murphy	Spinola	
Bell	Ferry	McGraw	P. P. Murphy	Warner	
Blood	Goss	Manierre	Richmond	Williams	
Colvin	Kelly	Munroe	Rotch		19

FOR THE NEGATIVE.

Prosser					1.
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to authorize the corporation of the city of New York to borrow a further sum of money to increase the supply of Croton water, and to extend the necessary works for accumulating and distributing the same in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Ketcham	Munroe	Robertson
Bell	Goss	Lapham	J. M. Murphy	Rotch
Blood	Grant	McGraw	Prosser	Warner
Colvin	Kelly	Manierre	Ramsey	

19

FOR THE NEGATIVE.

Truman

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act in addition to the act to provide for a supply of water in the village of Newburgh, passed the 30th of March, 1852, and amended 23d of February, 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Lapham	J. M. Murphy	Sessions
Bell	Goss	McGraw	P. P. Murphy	Truman
Blood	Grant	Manierre	Prosser	Warner
Colvin	Kelly	Munroe	Richmond	Williams
Connolly	Ketcham			

22

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Warner, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to create in the city and county of New York, a department of Public Charities and Correction, and to abolish the Alms House department therein."

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of G. Houck," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to repeal sections 5 and 6 of the act entitled 'An act to constitute the village of Green Island a separate road district,' passed April 13, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Kelly	Munroe	Robertson
Bell	Ferry	Lapham	J. M. Murphy	Sessions
Blood	Goss	McGraw	P. P. Murphy	Warner
Colvin	Grant	Manierre	Prosser	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act for the relief of Nehemiah Berry and Maria Hunn Berry, his wife," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Manierre	Prosser	Truman
Blood	Kelly	Munroe	Ramsey	Warner
Colvin	Lapham	J. M. Murphy	Richmond	Williams
Connolly	McGraw	P. P. Murphy	Sessions	
				19

FOR THE NEGATIVE.

Bell	Grant	Ketcham		1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Richmond, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Auditor of the Canal Department, on the tolls, trade and tonnage of the canals, reported in favor of the adoption of the following resolution :

Resolved, That there be printed 500 extra copies of the report of the Auditor of the Canal Department, on the tolls, trade and tonnage of the canals, for the use of the Senate.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

By unanimous consent, Mr. Ferry moved that the Assembly bill entitled "An act for the relief of G. Houck," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Ramsey offered the following resolution :

Resolved, That the Clerk of the Senate be directed to purchase for the use of the Senate, one copy of "Streets' New York Counsel of Revision," for each member, officer and reporter thereof, ten copies for the Senate Library, and twenty copies for the State Library.

Mr. Truman moved to refer said resolution to the committee on public printing.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE

Truman					1
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FOR THE NEGATIVE.

Abell	Ferry	Kelly	Munroe	Richmond
Blood	Gardiner	Ketcham	J. M. Murphy	Robertson
Colvin	Goss	Lapham	P. P. Murphy	Warner
Connolly	Grant	Manierre	Ramsey	
				19

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	J. M. Murphy	Richmond
Bell	Goss	Lapham	P. P. Murphy	Robertson
Blood	Grant	Manierre	Prosser	Rotch
Colvin	Kelly	Munroe	Ramsey	Williams
Connolly				

21

FOR THE NEGATIVE.

Ferry	McGraw	Truman	Warner
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4

The Assembly bill entitled "An act to grant certain lands under water to George Bowman," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Colvin	Gardiner	Kelly	Munroe	Robertson
Connolly	Goss	Lapham	Ramsey	

9

FOR THE NEGATIVE.

Abell	McGraw	P. P. Murphy	Richmond	Warner
Bell	Montgomery	Prosser	Rotch	Williams
Blood	J. M. Murphy			

12

Mr. J. M. Murphy moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The third reading of the bill entitled "An act to create in the city and county of New York the department of Public Charities and Correction, and to abolish the Alms House department therein," having been announced,

Mr. Hammond moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Hammond	Manierre	Ramsey
Colvin	Grant	Kelly	J. M. Murphy	Truman
Connolly				

11

FOR THE NEGATIVE.

Abell	Ketcham	Montgomery	Prosser	Rotch
Bell	Lapham	Munroe	Richmond	Warner
Fiero	McGraw	P. P. Murphy	Robertson	Williams

15

Mr. Truman moved to recommit said bill with instructions to amend by striking out the word "whenever" in section 24.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Kelly	Manierre	Spinola
Colvin	Grant	McGraw	J. M. Murphy	Truman
Connolly	Hammond			

12

FOR THE NEGATIVE.

Bell	Ketcham	P. P. Murphy	Robertson	Sessions
Ferry	Montgomery	Prosser	Rotch	Warner
Fiero	Munroe	Richmond		

13

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ketcham	Munroe	Richmond	Sessions
Bell	Lapham	P. P. Murphy	Robertson	Warner
Ferry	McGraw	Prosser	Rotch	Williams
Fiero	Montgomery			

17

FOR THE NEGATIVE.

Blood	Gardiner	Hammond	Manierre	Spinola
Colvin	Grant	Kelly	J. M. Murphy	Truman
Connolly				

11

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York," having been announced,

On motion of Mr. Prosser, and by unanimous consent, said bill was amended by inserting the following, as an additional section:

"The Legislature may at any time modify, amend or repeal this act."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	P. P. Murphy	Robertson
Bell	Hammond	Munroe	Prosser	Rotch
Connolly	Ketcham	J. M. Murphy	Ramsey	Warner
Gardiner	Lapham			

17

FOR THE NEGATIVE.

Blood	Manierre	Spinola	Truman	Williams
Grant	Montgomery			

7

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act for the relief of Samuel Skinner," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	Munroe	Prosser	Truman
Blood	Lapham	J. M. Murphy	Robertson	Warner
Connolly	McGraw	P. P. Murphy	Rotch	Williams
Goss	Montgomery			

17

FOR THE NEGATIVE.

Bell

Grant

Manierre

3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act relative to lands held in trust by the executor and executrix of the last will and testament of Thomas Poole, deceased, for the use and benefit of Margaret H. Barr, for and during her natural life," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell
Blood
Connolly
Goss

Grant
Hammond
McGraw
Manierre

Montgomery
J. M. Murphy
P. P. Murphy

Prosser
Robertson
Rotch

Sessions
Truman
Warner

17

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate the Turnverein, in Morrisania," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Blood
Colvin
Connolly
Goss

Grant
Hammond
Lapham
McGraw

Montgomery
Munroe
J. M. Murphy
P. P. Murphy

Prosser
Ramsey
Rotch

Truman
Warner
Williams

18

FOR THE NEGATIVE.

Manierre

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to provide for funding and paying the floating debt of the corporation of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell
Blood
Colvin
Connolly

Goss
Grant
Hammond
Lapham

McGraw
Manierre
Montgomery
Munroe

J. M. Murphy
P. P. Murphy
Prosser
Ramsey

Spinola
Truman
Warner
Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend the sixth section of an act entitled 'An act for the incorporation of associations for improving the breed of horses,' passed April 15, 1854, and also to amend the first section of an act passed April 15, 1857," with the following amendments:

Insert the following as section two:

§ 2. The provisions of this act shall be applicable only to the several counties on Long Island, and shall not be construed to apply to any other county or counties in this State.

Change the number of section 2, to section 3.

Amend the title by adding the words "so far as the said act may be applicable to the several counties on Long Island."

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	McGraw	J. M. Murphy	Rotch
Colvin	Grant	Manierre	Prosser	Spinola
Connelly	Hammond	Montgomery	Ramsey	Warner
Ferry	Lapham			

17

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend an act in relation to local assessments in the city of Brooklyn, passed April 9, 1859," with the following amendments:

Strike out all after the enacting clause and insert the following:

§ 1. No assessment for a local improvement in the city of Brooklyn, shall be confirmed, or be a lien upon the property to be assessed therefor, until after the work shall have been completed according to the contract. The comptroller of the said city is hereby authorized to pay from the proceeds of assessment bonds to be issued in accordance with this act, to the contractors, on all contracts confirmed by the common council, for regulating, grading, regrading, paving or filling any street or avenue in the city of Brooklyn; but no moneys shall be paid on account of said assessments or contracts until the whole work has been completed and a copy of the original contract has been filed with the comptroller of the city by the street commissioner or other head of the department having such work in charge, with a certificate in writing from such street commissioner or other head of such department, stating that the said contract has been fulfilled and completed, according to the terms of the original contract. Upon receiving said certificate the comptroller shall pay seventy per cent as aforesaid, and the remaining thirty per cent shall be reserved until the final collection of the said assessment.

§ 2. If the certificate of the street commissioner, or other head of any department in the last section mentioned and referred to, shall be in any respect false or untrue, within the knowledge or notice of the person making such certificate, he and all persons aiding and abetting therein, shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, by a fine not exceeding the amount on such certificate represented to be due, and by imprisonment not exceeding five years.

§ 3. For the purpose of providing for the payments contemplated by this act, it shall be the duty of the common council to authorize and direct the comptroller of the said city, from time to time, to borrow such sums as may be necessary for the purposes in the second section mentioned, upon bonds to be executed by, and on the behalf of the city of Brooklyn, to be known as "assessment bonds," at a rate of interest not exceeding six per cent per annum; and the bonds so issued shall be paid from the collections made on the assessment lists, when confirmed by the common council of the city of Brooklyn, and which collections are hereby specifically pledged for such purpose.

§ 4. It shall be the duty of the comptroller to endorse all payments to the contractors upon the contract upon which the payment is made. No payment shall be made upon any contract beyond the amount thereof, and the final payment thereon shall not be made until the street commissioner, or other head of the department having such work in charge, shall furnish to the comptroller, who shall file the same in his office, a certificate signed by the street commissioner or the head of such department, that the work mentioned in such contract has been completed according to the terms of said contract, and to the satisfaction of the street commissioner or the head of the department giving such certificate. The final payment reserved upon any such contract shall be at least thirty per cent on the amount thereof, and the certificate for such final payment shall not be given until the work shall have been completed according to the contract, and until the assessment for said work shall have been confirmed by the common council. The assessment shall include a sum sufficient to cover interest at seven per cent upon the moneys advanced to the contractors.

§ 5. The comptroller shall keep a record of all "assessment bonds" so to be issued, specifying the particular work on account of which the same was issued, and all moneys collected on account of any work, for the payment of which said bonds were issued shall be faithfully applied as aforesaid. All sums received or retained by the comptroller, for interest, from the contractors, beyond the amount paid as interest upon the assessment bonds authorized by this act, shall be paid into the sinking fund pledged for the redemption of the city debts.

§ 6. All that part of title 2, § 26, of an act entitled "An act to consolidate the cities of Brooklyn and Williamsburgh, and the town of Bushwick, passed April 17, 1854," whereby the mayor of the city of Brooklyn is authorized to remit penalties or defaults for delay in

the completion of contracts, is hereby repealed, and the said defaults, together with the interest above mentioned, shall be paid into the said sinking fund.

§ 7. This act shall take effect immediately.

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardner	Lapham	P. P. Murphy	Rotch
Blood	Goss	McGraw	Prosser	Spinola
Colvin	Grant	Montgomery	Ramsey	Truman
Connolly	Hammond	J. M. Murphy	Richmond	Warner
Ferry				

21

Ordered that the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and the vote was as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	Montgomery	Richmond	Truman
Connolly	McGraw	J. M. Murphy	Rotch	Warner
Ferry	Manierre	Ramsey		

13

FOR THE NEGATIVE.

Goss	P. P. Murphy
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2

This bill not having received the Constitutional vote, was laid aside.

The Assembly returned the bill entitled "An act making appropriations for certain expenses of government, for the year 1860," with a message that they had non-concurred in the amendments of the Senate to said bill, and ask a committee of conference.

Mr. Ferry moved that the Senate consent to a committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lapham moved that Messrs. Sessions, Truman and Grant, constitute such committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have consented to a committee of conference.

The Assembly bill entitled "An act in relation to police commissioners, police officers, and police justice, in the town of Newburgh, in the county of Orange," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Manierre	Ramsey	Spinola
Blood	Goss	Montgomery	Richmond	Truman
Colvin	Grant	J. M. Murphy	Robertson	Warner
Connolly	Hammond	P. P. Murphy	Rotch	Williams
Ferry	McGraw	Prosser		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of John N. Elmore," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Colvin, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Ketcham	J. M. Murphy	Spinola
Blood	Goss	Manierre	Prosser	Truman
Colvin	Hammond	Montgomery	Ramsey	Warner

15

FOR THE NEGATIVE.

P. P. Murphy Williams

2

Mr. Colvin moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved to lay the order of business of third reading of bills, on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative; two-thirds of all the Senators present voting in favor thereof.

Mr. Spinola offered the following resolution:

Resolved, That the Assembly be respectfully requested to return the assembly bill entitled "An act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York."

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	Montgomery	Seesions
Blood	Ferry	Lapham	J. M. Murphy	Spinola
Colvin	Gardiner	Manierre	Richmond	Williams

15

FOR THE NEGATIVE.

Bell	Ketcham	P. P. Murphy	Ramsey	Truman
Goss	Munroe	Prosser	Rotch	Warner

10

Mr. Ferry, from the select committee of eight, reported the following entitled bill, as proper to be recommitted to the committee reporting it, to report complete, to wit:

"An act relative to harbor masters of the port of New York, and defining their powers and duties, and for the better protection of the harbor of New York city."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Ordered, That said bill be recommitted to the appropriate committee, to report complete.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act passed April 7, 1859, entitled 'An act to amend an act to incorporate the Monroe and Haverstraw Road company,' passed March 10, 1824," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to alter the road known as Shea's lane," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend section 22 of chapter 181 of the laws of 1857, entitled 'An act to amend an act regulating highways and bridges in the counties of Suffolk, Queens and Kings,' passed March 26, 1857," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Assembly bill entitled "An act to authorize the board of supervisors of Westchester county to increase the compensation of constables attending courts of record therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bloch	Gardiner	Montgomery	Ramsey	Truman
Colvin	Goss	Munroe	Richmond	Warner
Connolly	McGraw	J. M. Murphy	Rotch	Williams
Ferry	Manierre	Prosser	Spiola	19

FOR THE NEGATIVE.

Bell

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide against unsafe buildings in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Kelly	Manierre	P. P. Murphy	Scissions
Blood	Ketcham	Montgomery	Richmond	Truman
Colvin	Lapham	Munroe	Robertson	Warner
Ferry	McGraw	J. M. Murphy	Rotch	Williams
Goss				

21

FOR THE NEGATIVE.

Connolly	Prosser	Spinola
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Montgomery	Ramsay
Bell	Fiero	Lapham	Munroe	Robertson
Blood	Gardiner	McGraw	P. P. Murphy	Rotch
Colvin	Hammond	Manierre	Prosser	Warner
Connolly	Kelly			

22

FOR THE NEGATIVE.

Goss

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," having been announced,

Mr. Robertson moved to recommit said bill, with instructions to amend by inserting a provision providing for the payment of the law expenses of the Metropolitan Police department in the contest with Fernando Wood, in 1857. Also, the following:

Add at the end of section one, "For regulating, completing and paving the public carriage way across the lower angle of the park, in accordance with the resolutions of the common council, approved by Mayor Tieman, January 8, 1859, and December 31, 1859, the sum of twenty-three hundred dollars."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the Peekskill Turnpike company to sell to the commissioners of highways of the town of Cortlandt so much of the road of said company as is situated within said town, and to the commissioners of highways of the town of Yorktown so much of said road as is situated within said town, and to authorize the commissioners of highways of said towns respectively to buy the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Lapham	Robertson	Truman
Bell	Gardiner	McGraw	Rotch	Warner
Blood	Goss	Montgomery	Sessions	Williams
Colvin	Ketcham	Munroe	Spinola	

19

FOR THE NEGATIVE.

Kelly	Manierre	Prosser		
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate the Orange County Milk Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	McGraw	P. P. Murphy	Rotch
Bell	Goss	Montgomery	Prosser	Sessions
Ferry	Ketcham	Munroe	Robertson	Warner

15

FOR THE NEGATIVE.

Blood	Kelly	Lapham	Manierre	Williams
Colvin				

6

Mr. Rotch moved to reconsider said vote.

Mr. Spinola moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ketcham	J. M. Murphy	Robertson	Spinola
Bell	McGraw	P. P. Murphy	Rotch	Truman
Gardiner	Montgomery	Prosser	Sessions	Williams
Goss	Munroe	Ramsey		

18

FOR THE NEGATIVE.

Blood	Colvin	Kelly	Lapham	
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4

Said bill was again read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Montgomery	Prosser	Rotch
Bell	Goss	Munroe	Ramsey	Sessions
Colvin	Ketcham	J. M. Murphy	Robertson	Truman
Ferry	McGraw	P. P. Murphy		

18

FOR THE NEGATIVE.

Blood	Kelly	Manierre		
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act releasing the interests of the State in lands heretofore held by Peter Gates, late of the town of New Utrecht, in the county of Kings, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Montgomery	Prosser	Sessions
Bell	Goss	Munroe	Ramsey	Spinola
Blood	Ketcham	J. M. Murphy	Robertson	Truman
Colvin	Lapham	P. P. Murphy	Rotch	Williams
Ferry	McGraw			

22

FOR THE NEGATIVE.

Manierre

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Colvin moved to reconsider the vote on the Assembly bill entitled "An act for the relief of John N. Elmore."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Colvin, and by unanimous consent, said bill was amended by inserting at the end of the first section the following: "But nothing contained herein shall release the sureties of said Elmore from any liability they may have incurred, or shall incur by reason of any default of said Elmore as said treasurer."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Kelly	Montgomery	Prosser	Sessions
Blood	Ketcham	Munroe	Ramsey	Spinola
Colvin	Lapham	J. M. Murphy	Robertson	Warner
Goss	Manierre	P. P. Murphy	Rotch	

19

FOR THE NEGATIVE.

McGraw

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was recommitteed the Assembly bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," reported in favor of the passage of the same, amended as

directed by the Senate, which report was agreed to, and said bill ordered to a third reading.

The third reading of the Assembly bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," having been announced,

Mr. J. M. Murphy moved that said bill be recommitted, with instructions to amend by adding the following at the end of sec. one: "And also the further sum of forty-one thousand four hundred and twenty-five dollars and eighty-eight cents, to pay the judgments docketed in the Supreme Court, in favor of Jacob Sharp against the mayor, aldermen and commonalty of the city of New York, on the first day of June, 1859, and interest; to be paid by the Comptroller of said city, on presentation of a satisfaction of the said judgment, notwithstanding any proceedings taken since the docketing thereof."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	Lapham	J. M. Murphy	Spinola	6
Gardiner					

FOR THE NEGATIVE.

Bell	Ketcham	Montgomery	Prosser	Truman	
Colvin	McGraw	Munroe	Ramsey	Warner	
Kelly	Manierre	P. P. Murphy	Rotch		14

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Munroe	Spinola	
Bell	Goss	McGraw	Prosser	Truman	
Blood	Kelly	Manierre	Robertson	Warner	
Colvin	Ketcham	Montgomery	Rotch	Williams	20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to authorize the corporation of the city of New York to sell certain lands to the United States, and ceding jurisdiction thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose upon the town of Adams, in said county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bell, and by unanimous consent, the rule was suspended, and said bill referred to the committee on roads and bridges, to report complete.

"An act to incorporate the Rochester Academy of Music and Art," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to incorporate the New York Saddle-Horse Club," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act to authorize the city of Rochester to sell the stock of the Rochester and Genesee Valley Railroad company, and to assist in the construction of water works," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Goss, and by unanimous consent, the rule was suspended, and said bill referred to the committee on railroads, to report complete.

"An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

"An act for the relief of Hannah Russell," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to exempt certain persons from jury duty," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Montgomery, and by unanimous consent, the rule was suspended, and said bill referred to the committee on the judiciary, to report complete.

"An act for the organization of the Highland Union Cemetery Association, near Buttermilk Falls, in Orange county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the Artists' Fund Society, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The Assembly returned the bill entitled "An act making appropriations for certain expenses of government for the year 1860," with a message that they had consented to a committee of conference, and appointed as such committee on their part, Messrs. Flagler, Conkling, St. John, Payne and Odell.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to authorize the conveyance in trust of certain lands at Hunter's and Green Point, Long Island, owned by Leicester K. Ely and others."

"An act to amend an act entitled 'An act to enable Charles James Murray, an infant alien, to take and hold real estate.'"

"An act for the preservation of wild deer, birds and fish."

"An act to prevent encroachment and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners' lines."

"An act to confirm and legalize certain acts of the common council of the city of New York."

"An act to amend the act entitled 'An act in relation to the city hall in the city of New York,' passed April 17, 1858."

"An act to amend an act entitled 'An act to incorporate an association for the relief of respectable, aged, indigent females in the city of New York, passed March 10, 1815,' and continued in force by the acts of April 20, 1830, and April 7, 1849."

"An act to amend an act entitled 'An act to authorize the sale of the county poor house of Sullivan county, and for other purposes,' passed May 27, 1853."

"An act declaring a part of the inlet of the Owaseo lake a public highway."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows:

"An act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York."

"An act authorizing the canal commissioners to pay for the construction of a bridge across the Oswego canal, in the town of Volney."

"An act in relation to capital punishment, and to provide for the more certain punishment of the crime of murder."

Ordered, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills:

"An act to alter and amend the charter of the Homestead Fire Insurance company of the city of New York."

"An act to amend the several acts in relation to State Prisons."

"An act to provide for the appraisal and payment of canal damages to Abel Downs and Seabury S. Gould."

"An act for the relief of Lewis Benedict, for canal damages."

Ordered, That the Clerk deliver said bills to the Governor.

Mr. Truman moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Spinola moved that the Senate take a recess until 7 o'clock, this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

SEVEN O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Robertson moved that Assembly bill entitled "An act to incorporate Rescue Fire Engine company No. 1, of the village of Tarrytown, town of Greenburgh, Westchester county, State of New York," be recommitted to the committee to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. J. M. Murphy offered the following resolution :

Resolved, That Assembly bill 434, entitled "An act to erect a new town from the towns of Castleton and Southfield, in the county of Richmond, to be called Middletown," be referred to the committee on the erection and division of towns and counties, with power to report complete.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lapham, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose, upon the town of Adams in said county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Warner moved to reconsider the vote on the Assembly bill entitled "An act for the relief of John N. Elmore," and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Sessions moved that the bill entitled "An act to amend an act entitled 'An act in relation to plank roads and turnpike roads,' passed April 9, 1861," be recommitted to the committee to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. J. M. Murphy offered the following resolution :

Resolved, That a committee of three be appointed to make examination of the affairs, condition and progress of the New York Central Park, to hold their session during the recess of the Legislature, and to report to the Senate at its next annual meeting. The said committee to have power to send for persons and papers, and the said committee not to receive compensation for said service.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

A message from the Assembly was received, requesting the concurrence of the Senate to the following resolution :

Resolved, (If the Senate concur,) That the legislative printer forward the bound volumes of the laws, journals and documents, boxed, by express, to the members and officers of the Legislature entitled to receive the same, as early as possible after the adjournment.

Ordered, That said resolution be laid on the table.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate fire company No. 1, of the village of Tarrytown, Westchester county," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. P. P. Murphy, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to sell the stock of the Rochester and Genesee Valley Railroad company, and to assist in the construction of water works," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Montgomery, from the committee on the erection and division of towns and counties, to which was referred the Assembly bill entitled "An act to erect a new town from the towns of Castleton and Southfield and the county of Richmond, to be called Middletown," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend the fourth title of chapter second, of part fourth of the Revised Statutes, entitled "Of indictments and proceedings thereon," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Assembly bill entitled "An act to amend section 22d of chapter 181 of the laws of 1857, entitled 'An act to amend an act regulating highways and bridges in the counties of Suffolk, Queens and Kings,' passed March 26, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Fiero	Montgomery	Prosser	Sessions
Colvin	Gardiner	Munroe	Ramsey	Truman
Connolly	Ketcham	J. M. Murphy	Robertson	Warner
Ferry	Lapham	P. P. Murphy	Rotch	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to alter the road known as Shea's lane," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Montgomery	Prosser	Rotch
Colvin	Goss	Munroe	Ramsey	Sessions
Connolly	Ketcham	J. M. Murphy	Richmond	Truman
Ferry	Lapham	P. P. Murphy	Robertson	Warner
Fiero				

21

FOR THE NEGATIVE.

Williams

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Ramsey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to exempt certain persons from jury duty," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Assembly bill entitled "An act to amend an act passed April 7, 1859, entitled 'An act to amend an act to incorporate the Monroe and Haverstraw road company,' passed March 10, 1824," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Fiero	Montgomery	Ramsey	Sessions
Blood	Gardiner	Munroe	Richmond	Truman
Colvin	Goss	J. M. Murphy	Robertson	Warner
Connolly	Ketcham	P. P. Murphy	Rotch	Williams
Ferry	Lapham	Prosser		

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose upon the town of Adams, in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Munroe	Ramsey	Sessions
Colvin	Goss	J. M. Murphy	Richmond	Truman
Connolly	Ketcham	P. P. Murphy	Robertson	Warner
Ferry	Lapham	Prosser	Rotch	Williams
Fiero	Montgomery			

23

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to incorporate Rescue Fire

Engine company No. 1, of the village of Tarrytown, town of Greenburgh, Westchester county, State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Fiero	Lapham	P. P. Murphy	Rotch	
Colvin	Gardiner	Montgomery	Prosser	Sessions	
Connolly	Goss	Munroe	Richmond	Truman	
Ferry	Ketcham	J. M. Murphy	Robertson	Warner	20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly bill entitled "An act to authorize the city of Rochester to sell the stock of the Rochester and Genesee Valley Railroad company, and to assist in the construction of water works," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Manierre	P. P. Murphy	Rotch	
Connolly	Grant	Montgomery	Prosser	Sessions	
Ferry	Lapham	Munroe	Richmond	Warner	
Fiero	McGraw	J. M. Murphy	Robertson	Williams	21
Gardiner					

FOR THE NEGATIVE.

Truman	1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to erect a new town from the towns of Castleton and Southfield, in the county of Richmond, to be called Middletown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Connolly	Ramsey	Robertson	3
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FOR THE NEGATIVE.

Bell	Blood	Colvin	Prosser	Richmond	5
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Mr. J. M. Murphy moved to reconsider the vote on said bill, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend the 4th title of chapter 2d of part 4th of the Revised Statutes, entitled 'Of indictments and proceedings thereon,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Fiero	Lapham	P. P. Murphy	Rotch
Colvin	Gardiner	McGraw	Prosser	Spinola
Connolly	Goss	Montgomery	Ramsey	Warner
Ferry	Grant	Munroe	Robertson	

19

FOR THE NEGATIVE.

Truman

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act in relation to certain streets, avenues and roads, in the city of Brooklyn," having been announced,

Mr. Goss moved to recommit with instructions to restore the third section, being in the words following:

"§ 3. The common council of the city of Brooklyn, are hereby further authorized to open and lay out, or take by cession, a street to be formed by continuing St. Felix street northerly from Fulton avenue to De Kalb avenue; the same to be fifty feet in width, and to be laid out one hundred and seventy feet westerly from Fort Green Place."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	Lapham	J. M. Murphy	Spinola
Bell	Fiero	McGraw	Prosser	Truman
Blood	Gardiner	Montgomery	Ramsey	Warner
Colvin	Grant	Munroe	Rotch	Williams

20

FOR THE NEGATIVE.

Ferry

Goss

2

Ordered, That the Clerk return said bill to the Assembly, with a message, informing that the Senate have passed the same with amendments.

The third reading of the Assembly bill entitled "An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages," having been announced,

Mr. Colvin moved to recommit said bill, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Colvin	Grant	Montgomery	Truman
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5

FOR THE NEGATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Richmond
Bell	Gardiner	Munroe	Prosser	Rotch
Connolly	Goss	J. M. Murphy	Ramsey	Williams
Ferry	Ketcham			

17

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Montgomery	P. P. Murphy	Rotch
Bell	Goss	Munroe	Prosser	Warner
Connolly	Lapham	J. M. Murphy	Ramsey	Williams
Ferry	McGraw			

17

FOR THE NEGATIVE.

Blood	Colvin	Grant	Truman
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4

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to exempt certain persons from jury duty," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Montgomery	P. P. Murphy	Robertson	Warner
Connolly	J. M. Murphy	Ramsey	Rotch	Williams
Lapham				

11

FOR THE NEGATIVE.

Abell	Fiero	McGraw	Spinola	Truman
Colvin	Grant	Prosser		

8

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to facilitate the acquisition of land for a junction gate house, and to connect the same with the new reservoir and the city mains, in the city of New York," with the following amendments:

Add to section 4, the following:

"And for the purpose of adjusting and determining the damages that the contractors to whom the gate houses and aqueduct specified in this section were awarded by the Croton aqueduct board, on the 27th day of October, 1858, which they may be equally entitled to recover of the city of New York; the same may be determined by three arbitrators, one of whom may be chosen by the mayor of the city of New York, and one by the parties claiming such damages, and the third shall be appointed by the two arbitrators chosen as aforesaid. Such arbitrators shall take oath, and shall proceed to hear the case and make and deliver their award therein, as provided in title 14, chapter 8, part 3, of the Revised Statutes, 3d edition, and upon filing such report with the clerk of the county of New York, an order of confirmation may be entered of course, and thereupon if

such report be in favor of the party claiming damages, such party shall be entitled to recover the same, and upon presenting a certified copy of such report and order of confirmation to the comptroller of the city of New York, it shall be the duty of said comptroller to draw his warrant for the amount thereof, and to pay the same."

Amend the title by adding as follows:

"And to provide for the settlement of claims for damages connected therewith."

Mr. Warner moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Montgomery	Prosser	Spinola
Bell	Fiero	Munroe	Ramsey	Warner
Colvin	Goss	J. M. Murphy	Robertson	Williams
Connolly	McGraw	P. P. Murphy	Rotch	

- 19

FOR THE NEGATIVE.

Grant	Lapham	Truman	
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act authorizing notaries public of the State of New York to perform the duties now performed by justices of the peace and commissioners of deeds; also confirming the acts of notaries public," with the following amendments:

Strike out all after the enacting clause, and insert the following:

"Sec. 1. All acts and duties which may have been performed since April 15, 1859, in the administration of oaths, acknowledgments and affirmations by all notaries public of this State, are hereby confirmed.

"§ 2. This act shall take effect immediately."

Amend the title so as to read as follows:

"An act confirming the acts of notaries public."

Mr. Fiero moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE

Blood	Fiero	Ketcham	J. M. Murphy	Robertson
Colvin	Gardiner	Lapham	P. P. Murphy	Spinola
Connolly	Goss	McGraw	Ramsey	Truman
Ferry	Grant	Montgomery		

18

FOR THE NEGATIVE.

Abell	Bell	Munroe	Warner	Williams
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5

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act for the relief of insolvent debtors," with the following amendments:

Strike out all after the enacting clause and insert the following :

Sec. 1. Sections two and three of the third article of the first title of the fifth chapter and second part of the Revised Statutes, as amended by chapter 176 of the laws of 1849, and chapter 210 of the laws of 1850, are hereby repealed.

Sec. 2. Section four of said article is hereby amended so as to read as follows :

§ 4. Application for such discharge shall be made by the petition of the applicant, and every such petition shall set forth the name and place of residence of the petitioner.

Sec. 3. Section eight in said article is hereby amended so as to read as follows :

§ 8. If it shall appear by such petition, schedule and affidavit, that at least two-thirds in amount of all debts owing by him, and specified in such schedule, have been due and unpaid for the space of one year prior to the time of the presentation of said petition, the officer to whom the same shall be so presented, shall make an order requiring all the creditors of such insolvent to show cause before such officer, if any they have, at a certain time and place to be specified by him, why an assignment of the insolvent's estate should not be made, and he be discharged from his debts, as in this act provided.

Sec. 4. Section twenty-five of said article is hereby amended so as to read as follows :

§ 25. In case no creditor shall appear at the time and place specified in the order, to show cause hereinbefore mentioned, and it shall satisfactorily appear to the officer before whom said proceedings are pending, that the facts stated in the petition and schedule of the said insolvent are true; and that said insolvent has complied with the provisions of this act, or in case any creditor shall appear and file objections to such discharge, as hereinbefore directed, and the validity of said objections shall have been determined by a jury, or by said officer, in the cases hereinbefore mentioned, in favor of said insolvent, the said officer shall direct an assignment of all such insolvent's estate, both in law and equity, in possession, remainder, or reversion, excepting from the articles mentioned in his inventory, such articles as are exempt by law from levy and sale on execution.

Sec. 5. Section twenty-seven of said article is hereby amended so as to read as follows :

§ 27. If it shall appear on such examination or otherwise, by competent proof, that such insolvent has collected any debts or demands, or made any transfers absolute, conditional or otherwise, of any part of his real or personal estate since the making of the schedule annexed to his petition, he shall be required to forthwith pay to the officer before whom such hearing is had, or to such person as he shall direct, the full amount of all his debts and demands so by him collected or received, and the full value of all property by him so transferred, except such parts of the said debts and pro-

party, and shall satisfactorily appear to such officer to have been necessarily expended by such insolvent for the support of himself or his family, and no discharge shall be granted to him under this act until such payment be made, or security, satisfactory to said officer, be given, that such payment shall be made within thirty days thereafter, to the assignees named in the assignment of said insolvent.

Sec. 6. This act shall take effect on the first day of April, 1861.

Amend the title so as to read as follows:

"An act to amend article 3, chapter 5, title 1, part 2 of the Revised Statutes, entitled 'Of voluntary assignments made pursuant to the application of an insolvent debtor and his creditors.'"

Mr. Goss moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Ramsey	Truman
Bell	Gardiner	Munroe	Robertson	Warner
Colvin	Goss	Prosser	Rotch	Williams
Connolly	Ketcham			

17

FOR THE NEGATIVE.

Blood	McGraw	J. M. Murphy	Richmond	Spinola
Grant	Montgomery			

7

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Robertson moved to take from the table the question of agreeing to the report of the committee of eight, on the Assembly bill entitled "An act to authorize the publication of the Revised Statutes of the State of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Prosser	Robertson
Bell	Ketcham	Munroe	Ramsey	Williams
Colvin	Lapham	P. P. Murphy	Richmond	

14

FOR THE NEGATIVE.

Blood	Gardiner	Montgomery	Rotch	Truman
Connolly	Grant	J. M. Murphy	Spinola	Warner
Fiero				

11

Mr. Truman moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Grant	Montgomery	Richmond	Truman
Gardiner	Lapham			

7

FOR THE NEGATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Robertson
Blood	Goss	Munroe	Prosser	Rotch
Colvin	Ketcham	J. M. Murphy	Ramsey	Williams
Connolly				

16

Mr. Spinola moved to refer said bill to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Truman moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Beff Gardiner	Grant Kelly	Montgomery Richmond	Rotch Spinola	Truman Williams	11
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FOR THE NEGATIVE.

Abell Colvin Connolly	Fiero Hammond Ketcham	McGraw Munroe J. M. Murphy	P. P. Murphy Ramsey	Robertson Warner	12
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Mr. Truman moved to refer said bill to the second committee of the whole.

Mr. Robertson moved to amend, so as to refer said bill to the committee on the judiciary, with power to report complete.

Mr. Hammond moved to lay said bill on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Gardiner Grant Hillhouse	Kelly Lapham McGraw	Montgomery Munroe	Richmond Truman	Warner Williams	13
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FOR THE NEGATIVE.

Abell Blood Colvin	Connolly Fiero Goss	Hammond Ketcham J. M. Murphy	P. P. Murphy Prosser Ramsey	Robertson Rotch Spinola	15
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Mr. P. P. Murphy offered the following resolution:

Resolved, That the Senate now resolve itself into a committee of the whole on the Assembly bill entitled "An act in relation to the surplus water of the canal and the lessees thereof."

Mr. Truman moved to amend by adding the Assembly bills entitled "An act for the relief of Benjamin Nott," "An act for the relief of Harvey Borthwick," "An act for the relief of Jacob Warren," and that said bills be made the special order on Monday, at 10 A. M.

Pending the question on said motion,

Mr. Williams moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Ferry Fiero Gardiner	Goss Grant Kelly	Ketcham Lapham Montgomery	Richmond Robertson Rotch	Truman Warner Williams	15
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FOR THE NEGATIVE.

Abell Blood	Colvin Hammond	Munroe J. M. Murphy	P. P. Murphy Prosser	Ramsey Spinola	10
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The Senate then adjourned.

MONDAY, APRIL 16, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Van Brunt.

On motion of Mr. P. P. Murphy the reading of the journal was dispensed with.

By unanimous consent, Mr. P. P. Murphy offered the following resolution:

Resolved, That the Senate now resolve itself into committee of the whole on the Assembly bills entitled as follows:

"An act for the relief of Benjamin Nott."

"An act for the relief of Harvey Borthwick."

"An act in relation to the surplus water of the canal and the lessees thereof."

"An act for the relief of Jacob Warren."

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Robertson moved to postpone said special order for half an hour.

Mr. President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act relative to harbor masters of the port of New York and defining their powers and duties, and for the better protection of the harbor of New York city," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Ramsey, from the committee on the erection and division of towns and counties, to which was referred the Assembly bill entitled "An act to erect a new county from parts of the county of Orange, by the name of Highland county," reported the same for the consideration of the Senate.

Mr. Williams moved that said bill be recommitted to the same committee.

Mr. Robertson moved to amend so as to refer said bill to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Robertson moved to refer said bill to the third committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

The President then put the question whether the Senate would agree to said motion of Mr. Williams, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Hillhouse	Montgomery	Richmond	Warner
Bell	Kelly	Munroe	Rotch	Williams
Goss	Lapham	Prosser		

13

FOR THE NEGATIVE.

Connolly	Ketcham	P. P. Murphy	Ramsey	Robertson
Fiero	McGraw			

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of C. A. Burr," reported in favor of the passage of the same.

Mr. Goss moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hillhouse, from the committee on literature, to which was referred the Assembly bill entitled "An act to incorporate the Rochester Academy of Music," reported in favor of the passage of the same.

On motion of Mr. Goss and by unanimous consent, the rule was suspended and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act in relation to the surplus water of the canal and the lessees thereof."

"An act for the relief of Jacob Warren."

"An act for the relief of C. A. Burr for damages."

"An act for the relief of Benjamin Nott."

"An act for the relief of G. Houck."

"An act for the relief of Harvey Borthwick."

After some time spent thereon, the President resumed the chair, and Mr. Montgomery, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to, and said bills ordered to a third reading.

A message was received and read, from the Assembly, in the words following, to wit:

ALBANY, March 14, 1860.

Resolved, That the Senate be respectfully notified in reply to the resolution requesting the return of Assembly bill 562, entitled "An act to authorize the construction of a railroad track on South and West, and certain other streets in the city of New York," that the Assembly had concurred in the amendments of the Senate to said bill, before the reception of said resolution, and therefore cannot return said bill to the Senate for further action on the part of that body.

By order,

WM. RICHARDSON, Clerk.

By unanimous consent, Mr. Spinola offered the following resolution:

Resolved, That the thanks of the Senate be and they are hereby tendered Hon. Robert Campbell, for the able, dignified and impar-

tial manner in which he has discharged the duties of presiding officer of the Senate.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

The third reading of the Assembly bill entitled "An act relative to the appointment of harbor masters of the port of New York, and defining their powers and duties," having been announced,

Mr. Robertson moved to postpone the further reading of said bill and make it the special order for this afternoon at 4 o'clock.

Mr. President put the question whether the Senate would agree to said motion and it was determined in the affirmative.

The Assembly bill entitled "An act to incorporate the Rochester Academy of Music and Art," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Goss	McGrath	P. P. Murphy	Robertson
Blood	Hillhouse	Montgomery	Prosser	Rotch
Connolly	Kelly	Munroe	Ramsey	Spinola
Ferry	Ketcham	J. M. Murphy	Richmond	Williams
Fiero	Lapham			

22

FOR THE NEGATIVE,

Warner

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act in relation to the surplus water of the canal and the lessees thereof," having been announced,

Mr. Truman moved to recommit said bill, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Blood	Fiero	Lapham	Montgomery	Spinola
Ferry	Grant	McGrath	Sessions	Truman

10

FOR THE NEGATIVE.

Abell	Goss	Kelly	P. P. Murphy	Rotch
Celvin	Hammond	Ketcham	Ramsey	Warner
Connolly	Hillhouse	Munroe		

13

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	Munroe	Ramsey	Rotch
Connolly	Hillhouse	P. P. Murphy	Robertson	Warner
Goss	Kelly			

12

FOR THE NEGATIVE.

Mood Colvin	Ferry Fiero	Grant Lapham	McGraw Montgomery	Seaton Truman	10
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Mr. Abell moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act for the relief of Benjamin Nott," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Manroe	Rotch
Blood	Fiero	Kelly	P. P. Murphy	Warner
Colvin	Goss	Ketcham	Ramsey	Williams
Connolly	Hammond	Lapham	Robertson	
				14

FOR THE NEGATIVE.

McGraw					1
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of Harvey Borthwick," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Prosser	Rotch
Blood	Fiero	Kelly	Ramsey	Warner
Colvin	Goss	Lapham	Robertson	Williams
Connolly	Hammond	Munroe		
				18

FOR THE NEGATIVE.

Ketcham	McGraw	Richmond			3
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of Jacob Warren," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	J. M. Murphy	Robertson
Blood	Fiero	Kelly	P. P. Murphy	Spinola
Colvin	Goss	Lapham	Prosser	Warner
Connolly	Hammond	Munroe	Ramsey	Williams
				20

FOR THE NEGATIVE.

Ketcham	McGraw	Richmond			3
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Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The third reading of the Assembly bill entitled "An act to divide the county of Allegany into two jury districts, and to provide for holding courts in, and for said county alternately, in each of said districts," having been announced,

Mr. Truman moved to recommit said bill, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Goss	Montgomery	Rotch	Truman	Warner	
Hillhouse					6

FOR THE NEGATIVE.

Abell	Connolly	Hammond	Munroe	Richmond	
Blood	Ferry	Lapham	Prosser	Spinola	
Colvin	Fiero	McGraw	Ramsey	Williams	15

Mr. Truman moved to recommit said bill, with instructions to amend by striking out in the first section the words "the supervisor of the town of Angelica," and insert the words "the majority of the supervisors of the county of Allegany."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hillhouse	Montgomery	Prosser	Warner	
Goss	McGraw	J. M. Murphy	Truman		9

FOR THE NEGATIVE.

Abell	Connolly	Hammond	Ramsey	Spinola	
Blood	Ferry	Ketcham	Richmond	Williams	
Colvin	Fiero	Lapham			13

Mr. Truman moved to recommit with instructions to amend by inserting after the words "supervisor of the town of Angelica," the words "by the vote of the majority of the voters of Allegany county."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Montgomery	Prosser	Truman	Warner	
Goss	J. M. Murphy	Rotch			8

FOR THE NEGATIVE.

Abell	Connolly	Gardiner	Lapham	Spinola	
Blood	Ferry	Hammond	Munroe	Williams	
Colvin	Fiero	Ketcham	Ramsey		14

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	Lapham	Ramsey	
Blood	Fiero	Kelly	McGraw	Richmond	
Colvin	Gardiner	Ketcham	Munroe	Williams	
Connolly	Grant				17

FOR THE NEGATIVE.

Bell	Montgomery	Prosser	Truman	Warner	8
Goss	J. M. Murphy	Rotch			

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of C. A. Burr for damages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Prosser	Rotch	
Bell	Gardiner	J. M. Murphy	Ramsey	Spinola	
Blood	Goss	P. P. Murphy	Robertson	Warner	
Connolly	Hammond				17

FOR THE NEGATIVE.

Colvin	Ketcham	McGraw	Montgomery	Williams	6
Fiero					

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act for the relief of G. Houck," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Hammond	J. M. Murphy	Rotch	
Bell	Ferry	Lapham	P. P. Murphy	Warner	
Blood	Gardiner	Montgomery	Prosser	Williams	
Colvin	Goss	Munroe	Robertson		19

FOR THE NEGATIVE.

Fiero	Ketcham	2
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

By unanimous consent, Mr. Spinola moved that the Assembly bill entitled "An act amendatory of an act entitled 'An act to amend an act entitled 'An act in relation to sewerage and drainage in the city of Brooklyn,' passed April 15, 1859,'" be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	J. M. Murphy	Rotch	19
Blood	Fiero	Lapham	P. P. Murphy	Spinola	
Colvin	Gardiner	Montgomery	Prosser	Williams	
Connolly	Hammond	Munroe	Robertson		

FOR THE NEGATIVE.

Bell	Goss				2
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Munroe moved to take from the table the motion to reconsider the vote on concurring in the Assembly amendments to the bill entitled "An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	P. P. Murphy	Rotch	21
Blood	Goss	Montgomery	Prosser	Sessions	
Connolly	Hammond	Munroe	Richmond	Spinola	
Ferry	Kelly	J. M. Murphy	Robertson	Warner	
Fiero					

FOR THE NEGATIVE.

Bell					1
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The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The President then put the question whether the Senate would agree on concurring in said amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Munroe	Richmond	Sessions	18
Blood	Goss	J. M. Murphy	Robertson	Spinola	
Connolly	Kelly	P. P. Murphy	Rotch	Warner	
Fiero	Lapham	Prosser			

FOR THE NEGATIVE.

Bell	Grant	Hammond	Truman	Williams	6
Colvin					

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. P. P. Murphy moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act in relation to the surplus water of the canal and the lessees thereof."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	P. P. Murphy	Rotch
Bell	Goss	Munroe	Prosser	Spinola
Blood	Hammond	J. M. Murphy	Robertson	Warner
Cunnolly	Kelly			

17

FOR THE NEGATIVE.

Fiero	Montgomery	Richmond
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to amend an act to consolidate the cities of Brooklyn and Williamsburgh," reported in favor of the passage of the same.

On motion of Mr. Gardiner, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act making appropriations for the payment of the interest on loans made under the Constitution for the enlargement and completion of the canals," which was read the first time, and by unanimous consent was also read the second time.

Mr. Spinola moved that said bill be referred to the committee of the whole, and made the special order for to-day, at one o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Blood offered the following resolution:

Resolved, That the thanks of the Senate be, and are hereby tendered to Hon. Nathan Lapham, President *pro tem.* of the Senate, for the dignified and satisfactory manner in which he has discharged his duties.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the opening of Paca avenue, in the city of Brooklyn," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the Methodist Episcopal churches therein named; to sell certain lands in the city of Brooklyn, formerly used for cemetery purposes, and to perfect title in the purchasers thereof," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Mr. Goss, from the committee on the internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act

for the organization of the Highland Union Cemetery Association, near Buttermilk Falls, in Orange county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled "An act in relation to the transportation of freight on the several railroads in this State," with the following further amendments:

Strike out all after the enacting clause and insert:

Sec. 1. The Comptroller, State Engineer and Surveyor and Auditor, are hereby constituted a board of commissioners on the part of this State to confer with any persons or commissioners who are or may be appointed for the purpose by any other State, to devise and report to the next Legislature, some method to establish such uniform, just and equitable rates of compensation to be charged by the several railroad companies of this State, in connection with the railroads of this State, for the transportation of property by railroad, and best secure to the citizens of this State as favorable terms in the use of the railroads of this State as by said railroads are offered to the citizens of other States.

Sec. 2. Every railroad corporation in this State which is or shall be engaged in the carriage of property where steam shall be used for such transportation, shall arrange and classify its rates for the transportation of freight, which rates and prices shall be so conditioned and adjusted that in no case for the transportation of similar quantities of the same articles or class of property, shall a greater sum be charged or collected for a shorter than a longer distance.

Sec. 3. Each and every director, officer, agent or servant, of every railroad corporation who shall be guilty of a violation of any part of this act, or of aiding or abetting therein, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$250 nor more than \$1,000 or imprisonment as now provided by law, or both.

Sec. 4. This law shall take effect on the first day of May, 1860.

Amend the title so as to read as follows:

"An act to regulate the freight on the railroads of this State, and for other purposes."

Mr. Williams moved that the Senate concur in said amendments.

Mr. Blood moved to refer said amendments to the select committee having that subject in charge.

Mr. Williams moved to amend so as to refer said amendments to the committee on grievances.

Mr. Prosser moved to lay the whole subject on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Colvin offered the following resolution:

Resolved. (If the Assembly concur,) That the clerks of the Senate and Assembly purchase for each member, officer and reporter of the Legislature, one copy, at a price not exceeding two dollars,

of the New York Council of Revision, by Alfred B. Street; ten copies for the Senate, and twenty copies for the Assembly Library, and twenty copies for the State Library.

Ordered, That said resolutions be laid on the table.

Mr. Spinola moved to take from the table the following resolution:

Resolved, (if the Assembly concur,) That the legislative printer be, and he is hereby directed to print five copies of the census of the State of New York, for 1860, (about to be taken by the general government,) for each member, officer and reporter of this Legislature; and that the same be printed and bound under the direction of the Secretary of State, in the same manner and style, and at the same rates as the census of the State for the year 1855.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lapham moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola offered the following preamble and resolution:

Whereas, The failure of the Executive to either sign or veto important measures which have passed both houses of the legislature by large majorities, has been the means of delaying and embarrassing legislation so that much necessary business remains incomplete; and

Whereas, The expiration of the one hundred days of legislation fixed by the Constitution, finds even the financial measures requisite to save the State from protest and to carry on the government, unacted upon; therefore

Resolved, (If the Assembly concur,) That this Legislature, when it adjourns on Friday evening, the 20th instant, will adjourn until Friday, May 4th, at 10 o'clock, A. M., and will then meet to finish up all business before the legislature prior to the recess, with the understanding and agreement that no new legislation shall be initiated.

Ordered, That said resolution be laid on the table.

Mr. Rotch offered the following resolution:

Resolved, That the thanks of Senate be and are hereby tendered to James Terwilliger, Clerk of the Senate, for the fidelity, promptitude and energy with which he has discharged the important duties of his office, and that we hereby express to him our unqualified approbation for the uniform courtesy of his manners and for his ready attention to the wishes of every member of this body.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Grant moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act for the organization of the Highland Union Cemetery Association, near Buttermilk Falls, in Orange county," and that the same be ordered to a third reading.

Mr. President put the question whether the Senate would agree to said motion, and it was determined in the affirmative.

Mr. Robertson moved to take from the table the motion to refer to the committee on the judiciary the Assembly bill entitled "An act to authorize the publication of the Revised Statutes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hammond	McGraw	Ramsey	Warner	
Colvin	Kelly	Munroe	Robertson	Williams	
Ferry	Ketcham	Prosser	Sessions		14

FOR THE NEGATIVE.

Blood	Gardiner	Hillhouse	Montgomery	Spinola	
Connolly	Goss	Lapham	J. M. Murphy	Truman	
Fiero	Grant				12

The President put the question whether the Senate would agree to refer said bill to the committee on the judiciary, to report complete.

Mr. Spinola called for a division of the question.

The President put the question whether the Senate would agree to so much as relates to referring to the committee on the judiciary, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Ramsey	Warner	
Bell	Hammond	McGraw	Robertson	Williams	
Colvin	Hillhouse	Prosser			13

FOR THE NEGATIVE.

Blood	Gardiner	Grant	Montgomery	Rotch	
Connolly	Goss	Lapham	J. M. Murphy	Spinola	
Fiero					11

The President then put the question whether the Senate would agree to so much as relates to reporting complete, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Prosser	Warner	
Bell	Goss	McGraw	Ramsey	Williams	
Colvin	Hillhouse	Munroe	Robertson		14

FOR THE NEGATIVE

Blood	Gardiner	Kelly	Montgomery	Rotch	
Connolly	Hammond	Lapham	J. M. Murphy	Spinola	
Fiero					11

Mr. Warner offered the following resolution :

Resolved, That the thanks of the Senate are hereby tendered to C. G. Fairman, for the faithful manner in which he has performed the duties of Journal Clerk of the Senate, and that we hereby express to him our unqualified approbation for his courtesy and fidelity.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Goss moved to take from the table the following resolution :

Resolved, (if the Assembly concur,) That this Legislature will adjourn *sine die*, on Friday, the 13th day of April next, at 11 A. M.

The President put the question whether the Senate would agree to take from the table, when the vote was as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	McGraw	Munroe	Warner
Bell	Hillhouse	Montgomery	Prosser	Williams
Ferry	Kelly			

12

FOR THE NEGATIVE.

Blood	Fiero	Lapham	Ramsey	Rotch
Civia	Gardiner	J. M. Murphy	Robertson	Spinola
Connolly	Hammond			

12

The President voted in the affirmative, and declared the motion carried.

Mr. Bell moved to amend by striking out the words "Friday, the 13th" and inserting in lieu thereof "Tuesday, 17th inst."

Mr. Lapham moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Munroe moved to take from the table the following resolution :

Resolved, (if the Senate concur,) That the legislative printer forward the bound volumes of the laws, journals and documents, boxed, by express, to the members and officers of the Legislature entitled to receive the same, as early as possible after the adjournment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Ordered, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Spinola moved that the Senate return to the order of business of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to erect a new town from the towns of Castleton and Scuthfield, in the county of Richmond, to be called Middletown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	J. M. Murphy	Robertson
Blood	Fiero	Lapham	P. P. Murphy	Rotch
Colvin	Goss	Montgomery	Ramsey	Warner
Connolly	Hammond	Munroe		

18

FOR THE NEGATIVE.

Bell	Hillhouse	McGraw	Prosser	Williams
Gardiner				

6

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to provide for the opening of Paca avenue, in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	McGraw	P. P. Murphy	Rotch
Blood	Gardiner	Montgomery	Prosser	Spinola
Colvin	Goss	Manroe	Ramsay	Warner
Ferry	Hillhouse			

17

FOR THE NEGATIVE.

Ketcham	Lapham	Williams
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, April 16, 1860.

To the Senate:—I approved the bills bearing the following titles, at the dates respectively named, to wit:

- April 13. "An act to amend an act passed April 12, 1859, entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisborough, in the county of Westchester.'"
13. "An act in relation to certain highway taxes in the counties of Warren, Essex and Hamilton."
13. "An act to authorize the laying out and establishing Deitz street, in the village of Oneonta, in the county of Otsego."
13. "An act to encourage the construction of sidewalks in the village of Unadilla, Otsego county."
13. "An act to reduce the capital stock of the Sacketts Harbor, Rome and New York railroad company."
13. "An act relating to the support of the poor of Rensselaer county."
13. "An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings."
13. "An act in relation to the highway between Wilmarth and Morehouse, in the county of Hamilton."
13. "An act for the relief of Harry Tuttle, late commissioner of highways, of the town of Camillus, in the county of Onondaga."
13. "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors."

- April 18. "An act to perfect an amendment to the Constitution abolishing the property qualification of people of color."
13. "An act to repeal an act entitled 'An act relating to superintendents of the poor in Queens county,' passed April 12th, 1858."
13. "An act to change the time of holding the annual election for the election of officers of the village of Hammondsport, for the year 1860."
13. "An act in relation to the salary of the keeper of the common jail of the city and county of Albany."
13. "An act to amend an act entitled 'An act to incorporate the Onondaga County Savings Bank, in the city of Syracuse,' passed April 10, 1855."
13. "An act to amend the charter of the village of Herkimer, in relation to the office of the police constable."
13. "An act to authorize the Genesee county Agricultural Society to sell and convey certain real estate."
13. "An act to amend an act entitled 'An act to incorporate the Ochoecton bridge company,' passed April 7, 1817."
13. "An act in relation to the high school of the city of Syracuse."
13. "An act to amend an act to incorporate the village of Astoria, in Newtown, Queens county."
13. "An act to alter school district No. 4, in the town of Oyster Bay, Queens county"
13. "An act relating to wills."
13. "An act authorizing the election of trustees and other officers of the village of Gloversville."
13. "An act to extend York street, in the city of Brooklyn, from James street to Fulton street."
13. "An act to elect overseers of highways in the town of Greenburgh, Westchester county, by districts."
13. "An act to incorporate the Brooklyn Medical and Surgical Institute."
13. "An act to assess certain lands, being lots 54 to 77 inclusive, in the town of Carrolton, and all the lands in the town of Bucktooth, south of the Indian reservation, to build a bridge across the Allegany river below the mouth of the Great Valley creek, in said town of Carrolton, near the Tuna lumber company's mill, and to improve the road each way from said bridge to the main roads connecting therewith in said towns."
13. "An act to amend the act entitled 'An act to incorporate the village of Yonkers,' passed April 12, 1855, and the act to amend the same, and to extend the powers of the corporation of said village, passed April 17, 1857."

- April 13. "An act in relation to school libraries in the city of New York."
13. "An act authorizing the mayor, aldermen and commonalty of the city of New York to continue East street."
13. "An act to incorporate the Transit life insurance company."
13. "An act for the relief of certain lands of which John McCall died seized to Rebecca McCall, his widow."
13. "An act to repeal an act entitled 'An act for the relief of the western ten miles of the eastern branch of Schoharie turnpike road company,' passed April 14, 1859."
14. "An act to authorize the corporation of the city of New York to borrow a further sum of money to increase the supply of Croton water, and to extend the necessary works for accumulating and distributing the same in said city."
14. "An act to incorporate the Orange County Milk Association."
14. "An act to authorize the Peekskill turnpike company to sell to the commissioners of highways of the town of Cortlandt, so much of the road of said company as is situated within said town, and to the commissioners of highways of the town of Yorktown so much of said road as is situated within said town; and to authorize the commissioners of highways of said towns respectively to buy the same."
14. "An act for the relief of Nehemiah Berry and Maria Hunn Berry, his wife."
14. "An act for the incorporation of the trustees of the Parochial Fund of the Protestant Episcopal Church, in the diocese of New York."
14. "An act to incorporate the Turnverein, in the town of Morrisania."
14. "An act releasing the interest of the State in lands heretofore held by Peter Gates, late of the town of New Utrecht, in the county of Kings, deceased."
14. "An act relating to actions, legal proceedings and claims against the mayor, aldermen and commonalty of the city of New York."
14. "An act in addition to the act to provide for a supply of water in the village of Newburgh, passed the 30th of March, 1852, and amended 23d of February, 1853."
14. "An act in relation to police commissioners, police officers and police justice, in the town of Newburgh, in the county of Orange."
14. "An act to amend an act entitled 'An act to incorporate an association for the relief of respectable, aged,

and indigent females in the city of New York, passed March 10, 1815, and continued in force by the acts of April 20, 1830, and April 7, 1849."

April 14. "An act to amend an act entitled 'An act authorizing the sale of the county poor house of Sullivan county, and for other purposes,' passed May 27, 1853."

14. "An act for the preservation of moose, wild deer, birds and fish."

14. "An act to authorize the conveyance in trust of certain lands at Hunter's and Green Point, Long Island, owned by Leicester K. Ely and others."

14. "An act to amend an act entitled 'An act to enable Charles James Murray, an infant alien to take and hold real estate.'"

14. "An act to alter and amend the charter of the Homestead fire insurance company of the city of New York."

14. "An act relative to lands held in trust by the executor and executrix of the last will and testament of Thomas Poole, deceased, for the use and benefit of Margaret H. Barr, for and during her natural life."

14. "An act to widen and improve Bushwick avenue, and other streets, in the city of Brooklyn."

14. "An act authorizing the Albany, Schoharie and Rensselaerville plankroad company, to erect a toll gate on their road west of the Whitehall road, in addition to their present gates, and to take certain tolls thereat."

14. "An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same."

14. "An act to authorize the Flatbush plankroad company, in Kings county, to allow a horse railroad track to be laid on their road."

14. "An act for loaning certain moneys to the Antwerp Liberal Literary Institute, at Antwerp, Jefferson county."

14. "An act declaring the easterly branch of the St. Regis river a public highway."

14. "An act in relation to legislative stationery."

14. "An act to repeal chapter 98 of the laws of 1805, and the subsequent re-enactments thereof."

14. "An act declaring a part of the inlet of the Owasco lake a public highway."

14. "An act to provide for the appraisal and payment of canal damages to Abel Downes and Seabury & Gould."

14. "An act to amend the several acts in relation to State prisons."

- April 14. "An act for the relief of Lewis Benedict, for canal damages."
14. "An act to make a separate road district of the second and third election districts of the town of Southfield, and the first and second election districts of the town of Castleton, in the county of Richmond, and to provide for draining the same."
14. "An act in relation to the Supreme Court Library."
14. "An act to amend an act entitled 'An act to facilitate the collection of debts against corporations,' passed March 19, 1852."
14. "An act for the relief of Daniel Cameron."
14. "An act to authorize the city of Auburn to make, upon the faith and credit of said city, bonds in the aggregate amount of \$100,000, to aid in the construction of a railroad from Sodus Bay, on Lake Ontario, to Homer, or some other point of intersection with the Syracuse and Binghamton railroad, and passing through the city of Auburn."
14. "An act to amend chapter 432 of the laws of 1847, entitled 'An act in relation to the fees and compensation of certain public officers in the city and county of New York.'"
14. "An act to provide for the speedy completion of sections numbers 20 and 21 of the Oswego canal enlargement."
14. "An act to provide for funding and paying the floating debt of the corporation of the city of New York."
14. "An act to incorporate the Franklin savings bank, in the city of New York."
14. "An act in relation to capital punishment, and to provide for the more certain punishment of the crime of murder."
14. "An act to confirm a grant or resolution of the common council of the city of New York, authorizing the construction of a railroad in certain streets and avenues in said city, and to authorize the construction of said railroad."

E. D. MORGAN.

Mr. Fiero offered the following resolution:

Resolved, That the thanks of this Senate be tendered and are hereby expressed to the engrossing and executive clerks, for their able and efficient discharge of their duties.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the Methodist Episcopal churches therein named, to sell certain lands in the city of Brooklyn, formerly used for cemetery purposes, and to perfect title in the purchasers thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Goss	Manierre	Rotch
Bell	Ferry	Kelly	Munroe	Spinola
Blood	Fiero	Ketcham	Richmond	Warner
Colvin	Gardiner	Lapham	Robertson	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Montgomery	Richmond
Bell	Fiero	Lapham	Munroe	Robertson
Colvin	Gardiner	McGraw	P. P. Murphy	Rotch
Connolly	Goss	Manierre	Prosser	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The President announced the appointment of Messrs. J. M. Murphy, Munroe and Rotch, as the select committee to investigate the affairs of Central Park, in the city of New York.

Mr. Richmond, from the majority of the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad in Houston street, and certain other streets of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Prosser asked and obtained leave to introduce a bill entitled "An act to amend title 8, of chapter 8, of part third of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prosser, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abell	Connolly	Grant	Montgomery	Rotch
Bell	Ferry	Lapham	P. P. Murphy	Truman
Blood	Fiero	McGraw	Prosser	Warner
Colvin	Goss	Manierre	Richmond	Williams

20

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860," with a message informing that they had concurred in the report of the conference committee.

Ordered, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills:

"An act to confirm the acts of notaries public."

"An act to amend the 6th section of an act entitled 'An act for the incorporation of associations for improving the breed of horses,' passed April 15, 1854, and also to amend the first section of an act passed April 15th, 1857."

"An act to provide for the payment for work done and materials furnished on and for certain parts of the Erie canal enlargement."

"An act for the relief of insolvent debtors."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to incorporate in the city of New York, the Coast Wrecking company."

"An act authorizing the Comptroller of this State to hold the Tonawanda Indian Reservation in trust for the Tonawanda band of Indians."

"An act to amend the charter of the Catskill and Mountain Turnpike company."

"An act to regulate the sale of poisons."

"An act to amend an act entitled 'An act providing for the better collection of county taxes in the city of Buffalo, and for the sale by the treasurer of Erie county, of lands in said city, for unpaid taxes,' passed April 7, 1859."

"An act to encourage and provide for a general vaccination in this State."

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Abell the Senate took a recess until 4 o'clock.

FOUR O'CLOCK.

The Senate again met.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to authorize the New Central and Oswego and Syracuse railroad companies to erect a station house in the village of Geddes, and to charge additional fare," with the following amendment:

Add the following to section one:

"And said companies shall keep a signal at said station and signal all passenger way trains, whenever there is any person at said sta-

tion desirous of getting on said train, and take on all such passengers and let off any person on said train who may desire to get off at said station."

The amendment having been read,

Mr. Munroe moved that the Senate concur in the same.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	P. P. Murphy	Rotch
Blood	Goss	Lapham	Prosser	Spinola
Connolly	Hillhouse	Montgomery	Richmond	Warner
Fiero	Kelly	Munroe	Robertson	

19

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," and requested a committee of conference, and appointed on their part, as such committee, Messrs. McQuade, Tucker, Van Horn, Woodruff and O'Rorke.

Mr. Manierre moved that the Senate consent to a committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee on the part of the Senate, Messrs. Manierre, Richmond and Conolly.

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bill entitled "An act to provide against unsafe buildings in the city of New York," with the following further amendment:

Strike out of section 34, line 6, as amended by the Senate, the word "dormant," and insert in lieu thereof the word "dormer."

Mr. Manierre moved that the Senate concur in said amendment:

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	P. P. Murphy	Robertson
Bell	Goss	Manierre	Prosser	Rotch
Blood	Kelly	Montgomery	Ramsey	Spinola
Connolly	Ketcham	Munroe	Richmond	Warner
Fiero				

21

FOR THE NEGATIVE.

William

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Robertson moved that the Assembly bill entitled "An act to authorize the construction of a railroad in

Houston and other streets in the city of New York," be made the special order for half past four o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act authorizing the election of trustees and other officers of the village of Gloversville," which was read the first time and by unanimous consent was also read the second time.

On motion of Mr. Ramsey, and by unanimous consent, the rule was suspended and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Munroe	Robertson
Beil	Fiero	Kelly	P. P. Murphy	Rotch
Blood	Gardiner	Ketcham	Prosser	Warner
Colvin	Goss	Lapham	Ramsey	Williams
Connolly	Grant	Montgomery	Richmond	

24

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act relative to the appointment of harbor masters of the port of New York, and defining their powers and duties," having been announced.

Mr. Manierre moved to recommit said bill to the committee, with instructions to amend by inserting the following as an additional section:

"Nothing in this act shall be so construed as to interfere with the act entitled 'An act to regulate the use of wharves and slips in the city of New York, which shall be leased to certain steamboat lines,' passed April 15, 1858."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Fiero	Goss	Manierre	Richmond	Truman
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5

FOR THE NEGATIVE.

Abell	Ketcham	Montgomery	P. P. Murphy	Rotch
Colvin	Lapham	Munroe	Prosser	Warner
Ferry	McGraw	J. M. Murphy	Robertson	Williams
Hillhouse				

16

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Hammond	Lapham	J. M. Murphy	Robertson
Colvin	Hillhouse	McGraw	P. P. Murphy	Rotch

Connolly
Ferry
Goss

Kelly
Ketcham

Montgomery
Munroe

Prosser
Richmond

Warner
Williams

21

FOR THE NEGATIVE.

Fiero

Grant

Manierre

0

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment:

Mr. Spinola from the select committee consisting of the Senators from Kings county, to which was referred the Assembly bill entitled "An act to establish fire limits, and for the more effectual prevention of fires in the eastern district of the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Spinola, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell
Blood
Calvin
Connolly
Ferry

Fiero
Gardiner
Hammond
Hillhouse

Kelly
McGraw
Montgomery
Munroe

J. M. Murphy
P. P. Murphy
Prosser
Richmond

Robertson
Rotch
Spinola
Warner

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

Mr. Truman, from the committee of conference, on the part of the Senate and Assembly, to consider the matters of difference between the two houses on the appropriation bill for certain expenses of government during the year 1860, respectfully report that they have conferred together, and agreed upon the following report:

The Assembly concur in the Senate amendment striking out "two" and inserting "three," in the compensation of night watchmen and firemen. Also Assembly concur in Senate amendment striking out the sum to Wm. M. Gillespie. The Senate recedes from the amendment striking out the sum of \$26, to Wm. Gould. The Senate recedes from its amendment striking out the words "Senate and" on the 7th page of engrossed bill. Senate recedes from its amendment in striking out the sum of \$500 and insert \$750 on page 8th. The Senate recedes from its amendment on page 9, and the conference committee agree to allow and insert to Ward Hunt, Isaac Dayton, and James Parker, each the sum of \$1,000 for their services therein, and expenses therein.

The Assembly concurred with the Senate amendment on page 9, in striking out \$1,000 and inserting \$500 to Wm. M. Everts. Also concur in striking out Joseph Blunt and inserting Culver, Parker and Arthur, and striking out "to C. A. Arthur." Senate recedes from striking out the appropriation to the State library for

deficiency in contingent expenses. Assembly concurs with Senate amendment striking out \$275.49, for Gutter, in the city of Syracuse. Senate recedes from amendment on page 10, striking out the sum of \$150 to Joshua Bent. Assembly concurs with the Senate in its amendment in striking out the appropriation to A. N. Gunn, on page 11, engrossed bill. Senate recedes from its amendments to the appropriation to E. H. Bender, page 11, engrossed bill. Senate recedes from its amendment on page 12, allowing \$100 to S. B. Cushing, for counsel fees. Assembly concurs in Senate amendment, allowing to Richard Calrow, for damages in falling of New York arsenal, \$1,783. Assembly concurs in Senate amendment, allowing to Jonas D. Whitbeck the sum of \$2,355; also, in Senate amendment allowing Geo. W. Scott \$3 per day for services before committee. Assembly and Senate allow J. S. Clark \$600, to be paid out of the revenues of the Onondaga salt springs, and he is hereafter to be paid out of the revenues of the Montezuma salt springs. Assembly concurs in Senate amendment allowing to Henry Bertholf \$828, repealing the statute under which it is allowed. Assembly concurs in Senate amendment allowing to S. S. Morgan and Edward A. Graham, \$100 each for services in investigating the affairs connected with the death of a lunatic at the Insane Asylum. Assembly concurs in Senate amendment allowing \$320 to John W. Mills. Senate recedes from its amendment allowing Storm V. Boyd the sum of \$50 for services as clerk before pro rata committee. Assembly concurs in Senate amendment allowing to Weed, Parsons & Co., the sum of \$1,085 50. Assembly concurs in Senate amendment appropriating the sum of \$7,000, to pay the expenses of printing the constitutional amendments. Assembly concurs in Senate amendment allowing pay to William Hotchkiss, Alexander Wilder, and George W. Warner, clerks of Senate committees. Assembly concurs in Senate amendment allowing to James C. Clark the sum of \$94. Assembly concurs in Senate amendment allowing \$5,500 to Idiotic Asylum, to pay deficiency. Assembly concurs in Senate amendment allowing to the State Prison Inspectors \$1,500 for their expenses. Assembly concurs in Senate amendment allowing the sum of \$10,880 for land purchased for Lunatic Asylum. Assembly concurs in Senate amendment allowing \$1,500 for clerk hire in the State Engineer and Surveyor's department. Assembly concurs in Senate amendment allowing \$600 to Wm. H. Bogart, for arranging Senate library. Assembly concurs in Senate's amendment allowing \$1,000 to Elizabeth Knapp, to pay the mortgage on the Asylum property. The Assembly concurs in the Senate's amendment allowing \$31.06, to James Terwilliger, for furniture purchased of John Winnie & Son. Also in Senate's amendment allowing \$87 to E. H. Bender, for Revised Statutes. Also in Senate's amendment allowing to clerk of the Senate \$500 for engrossing, and \$250 for indexing journal and documents of the Senate. Assembly concurs in Senate's amendments allowing Asahel N. Cole the sum of \$300 and mileage, as deputy clerk of the Senate. Assembly concurs in Senate's amendment allowing to T. S. Gillet,

\$2,700 for printing index to legislative documents. Assembly concurs in Senate's amendment allowing \$1,400 to pay second and third assistant physician to the Lunatic Asylum at Utica. To the clerk of the Senate select committee of eight, the sum of \$100. Assembly concurs in Senate's amendment to allow Loren B. Sessions \$600, as deputy clerk; also Ira Bowen, librarian, assistant librarian, Caleb S. Babcock, assistant to sergeant-at-arms, Thos. McBurney, assistant post master, to Joseph Garlinghouse, janitor, and — Goodwin, sup't of Senate chamber, — Vanderlip, Senate messenger, to Charles Garlinghouse, do., to Geo. Schermerhorn, do., to Charles Walker, messenger of Speaker, and William D. Flickerman, messenger to the sergeant-at-arms in the Assembly, to Edward May, messenger of the sergeant-at-arms of the Senate, and the following messengers, \$1,50 per day: Robert Carey, Edward Gillet, Edward Barhans, Thomas Cashaw, Jas. Dunn. Also concur in allowing James Terwilliger \$300 for extra compensation. Also to Charles Y. Fairman, the sum of \$400: to Laurin L. Rose and Loren B. Sessions, each the sum of \$200 in addition to his salary, and to each of said clerks, Fairman, Rose and Sessions, the same allowance for mileage as is allowed by law for members of the Senate. The committee allowed \$600 for the payment of extra services to James Kennedy and C. L. Skeels, during the years 1858 and 1859, in preparing tax sales in 1856 and 1857, and in the insurance department, the same to be audited and allowed by the Comptroller if he shall be satisfied they are entitled to pay for extra services. The Senate recedes from its amendment allowing \$25,000 to the quarantine commissioners. Assembly concurs in allowing \$300 to the reporters in the Lemon slave case. Assembly concurs in allowing to C. Van Benthuyzen the sum of \$1,280.75. Assembly concurs in the Senate's amendment allowing \$2,181.40, to R. N. Griffin & Co., with the following amendment, or so much thereof as the Comptroller shall find on examination equitable for the service. Assembly concurs in Senate amendment reappropriating the sum of \$20,411, to the outlet of Cayuga lake and outlet of Seneca river. Assembly concurs in Senate's amendment allowing \$100 each to deputy clerks, L. L. Rose and L. B. Sessions, for services as clerks of engrossing committee of the Senate. Assembly concurs in Senate's amendment allowing \$50 to Peter Van Bergen, jr., for each of the years 1859 and 1860. Assembly concurs in Senate's amendment allowing \$200 extra to Nathaniel Goodwin, superintendent of the Senate chamber. Assembly concurs in Senate's amendment allowing to the Superintendent of Public Instruction, the sum of \$70.25, for investigating the affairs of the Institution for the Blind in the city of New York. Assembly concurs in Senate's amendment allowing Bank of Sing Sing to present their claim to the State officers mentioned in said amendment.

W. L. SESSIONS,
R. GRANT,
N. HOLMES ODELL,
T. C. CALLICOTT,

WM. W. PAYNE,
DAVID B. ST JOHN,
LYMAN TRUMAN.

The President put the question whether the Senate would agree to the report of the committee of conference on said bill, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Kelly	Montgomery	Richmond
Colvin	Goss	Ketcham	Munroe	Robertson
Connolly	Grant	Lapham	P. P. Murphy	Retch
Ferry	Hammond	McGraw	Ramsey	Warner
Flaro	Hillhouse	Manierre		

23

FOR THE NEGATIVE.

Ball	Truman	Williams
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3

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill:

"An act relative to lands devised by John Tonnele, deceased," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

Mr. Hammond offered the following resolution:

Resolved, That the legislative printer be directed to box and send to the deputy clerks of the Senate, the laws, journals and documents, the same as to Senators.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to alter the commissioners' map of the city of Brooklyn, and to provide for the widening and improving of 3d street, in said city," with a message that they had concurred in the amendments of the Senate thereto, with the following further amendment:

Sec. 7. No proceedings shall be had to carry the provisions of this act into effect until after a majority in interest of the owners of property upon said 3d street, shall have signed and presented to the common council of said city, a petition approving of this act and requesting that the necessary proceedings may be taken to carry the same into effect; and the entire cost of said improvement of 3d street, including cost of said bridges, shall be assessed upon the lands fronting on said street, as in this act provided, and the one-tenth part thereof shall be annually assessed.

Amend the title by adding thereto the words "and to provide for the widening and improving of 3d street, in said city."

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Montgomery	Richmond
Blood	Goss	Lapham	Munroe	Robertson
Colvin	Hammond	McGraw	J. M. Murphy	Spinola
Connolly	Hillhouse	Manierre	P. P. Murphy	

19

FOR THE NEGATIVE.

Pronser

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein," together with the report of the conference committee on said bill, with a message that they insisted upon their non-concurrence in the amendments of the Senate to said bill.

The committee of conference on the disagreeing votes of the Senate and Assembly on the bill entitled "An act imposing tolls upon property transported upon certain railroads referred to herein," respectfully report :

That after an interchange of views, the House conferees, by their chairman, submitted the following propositions, to wit :

The House conferees of the committee of conference, propose to concur in the Senate amendment in the first section of the bill striking out the words "in each year," and inserting the words "during the years 1860, 1861, and 1862," provided that the Senate conferees will recede from the Senate substitute to the second section of the House bill.

The majority of the Senate conferees, after taking time for consultation, submitted the following propositions :

First, to accept the Assembly bill with the following amendments :

A. Imposing three-fourths instead of full canal tolls on all the roads mentioned in said bill, such tolls to be imposed on the principle that the tolls shall stop when the competition stops.

B. Imposing the same rates of toll on all property passing through the Welland locks and entering the Erie canal at Syracuse, as it would have come had it passed the whole line from Buffalo to Syracuse.

C. The repeal of the 7th section of the act consolidating the Central line of railroads, with a provision that the road shall run one way train each way daily, at two cents per mile.

D. Such further amendments as will prevent a diversion of trade from the canals and Central railroad by reason of the exemption of way freight on the Erie from tolls.

E. A limitation of the provisions of the Assembly bill to three years.

2. An adjustment of the whole subject by the substitution of the bill hereto annexed, embodying the principle of commutation.

The House conferees decline the above proposition for the following among other reasons :

1st. It proposes action upon discriminating canal tolls as between property entering the canal at Oswego and Buffalo, a subject not referred to the committee.

2d. It proposes a fractional rate of tolls on railroads as compared with canal rates which would inevitably lessen the revenues

which would otherwise flow into the State treasury, inasmuch as the expense of collection and repairs upon the canals is substantially the same irrespective of the aggregate of tolls.

3d. It proposes a removal of the restriction upon the rate of passenger fare on the New York Central railroad, which was a condition and compensating advantage to the people by the act of consolidation, while it leaves undisturbed all other parts of said law which inured to the benefit of said corporation.

The House conferees, therefore, respectfully decline said proposition submitted to them, and offer further to modify their first proposition so as to reduce the operations of the law from three years to two, which is as far as they feel authorized to go in their endeavor to harmonize the matters of difference between the two Houses.

The committee of conference being unable to agree, unite in reporting the fact of disagreement to the Senate and Assembly.

JOSHUA FIERO, JR.
THOMAS HILLHOUSE,
CHAS. MONTGOMERY,
T. T. FLAGLER,
JUDIAH ELLSWORTH,
E. H. DOWNS,
J. C. HALL.

The report having been read,

Mr. Truman moved that the Senate insist on its amendments.

Mr. Fiero moved to lay the whole subject on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hammond	Ketcham	Richmond
Bleed	Gardiner	Hillhouse	Lapham	Robertson
Colvin	Grant	Kelly	J. M. Murphy	Spinola
Connolly				

16

FOR THE NEGATIVE.

Bell	McGraw	Munroe	Rotch	Warner
Ferry	Manierre	P. P. Murphy	Truman	Williams
Goss	Montgomery	Promser		

13

Mr. Fiero, from the majority of the conference committee, on the Assembly bill entitled "An act imposing tolls upon certain railroads referred to herein," reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 90.)

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to regulate tolls on the Delaware plank road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to grant certain privileges to the South Side Railroad company, of Long Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to change the name of James Monroe Lewis to James Monroe Warner," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

"An act to change the name of Helen Elizabeth Weston to Ida Elizabeth Bolles," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The third reading of the Assembly bill entitled "An act relative to lands devised by John Tonneley, deceased," having been announced,

On motion of Mr. Colvin, and by unanimous consent, the rule was suspended, and said bill amended by striking out "fifty" in the 8th line of the first section, and inserting "forty" in lieu thereof.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE

Abell	Gardiner	Kelly	Munroe	Richmond
Blood	Goss	Ketcham	J. M. Murphy	Robertson
Colvin	Hammond	Manierre	P. P. Murphy	Rotch
Connolly	Hillhouse	Montgomery	Prosser	Sessions
Fiero				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

Mr. Prosser moved to take from the table the question of concurring in the Assembly amendments to the bill entitled "An act in relation to the transportation of freight on the several railroads of this State."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to concur in said amendments, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Munroe	Ramsey	Sessions	Warner
Ferry	P. P. Murphy	Rotch	Truman	Williams
Goss	Prosser			

12

FOR THE NEGATIVE.

Abell	Fiero	Hillhouse	McGraw	J. M. Murphy
Blood	Gardiner	Kelly	Manierre	Robertson
Colvin	Grant	Ketcham	Montgomery	Spinola
Connolly	Hammond	Lapham		

18

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments.

Mr. Sessions, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide the means to support the government," reported in favor of the passage of the same.

On motion of Mr. Sessions, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	P. P. Murphy	Rotch
Bell	Gardiner	Lapham	Prosser	Sessions
Blood	Goss	Manierre	Ramsey	Truman
Colvin	Grant	Montgomery	Richmond	Warner
Connolly	Hammond	Munroe	Robertson	Williams
Ferry	Hillhouse	J. M. Murphy		

28

FOR THE NEGATIVE.

Spinola

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, without amendment.

Mr. Spinola moved to take from the table the Assembly bill entitled "An act imposing tolls upon property transported over certain railroads referred to herein."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved that the Senate adhere to its amendments to said bill.

Mr. Williams moved to amend, that the Senate recede from its amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner
Ferry	Montgomery	Prosser	Rotch	Williams
Goss	Munroe	Ramsey	Truman	

14

FOR THE NEGATIVE.

Abell	Fiero	Hillhouse	Lapham	Robertson
Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	J. M. Murphy	Spinola
Connolly	Hammond			

17

The President then put the question whether the Senate would agree to said motion to adhere, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Hillhouse	Lapham	Robertson
Blood	Gardiner	Kelly	Manierre	Sessions
Colvin	Grant	Ketcham	J. M. Murphy	Spinola
Connolly	Hammond			

17

FOR THE NEGATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner
Ferry	Montgomery	Prosser	Rotch	Williams
Goss	Munroe	Ramsey	Truman	

14

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate adhere to their amendments.

Mr. Prosser moved to take from the table the question of agreeing to the report of the committee of the whole on the Assembly bill entitled "An act to repeal the act entitled 'An act to abolish tolls on railroads,' passed July 10, 1851."

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative.

Mr. Sessions moved that said bill be recommitted to the committee of the whole, and that the Senate now resolve itself into a committee of the whole on the same.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. Ferry, from said committee, reported progress on said bill and asked leave to sit again.

Mr. Goss moved to lay the question of agreeing to the report of the committee on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	McGraw	P. P. Murphy	Richmond	Warner	
Ferry	Montgomery	Ramsey	Rotch	Williams	
Goss	Munroe				12

FOR THE NEGATIVE.

Abell	Fiero	Hillhouse	Manierre	Sessions	
Blood	Gardiner	Kelly	J. M. Murphy	Spinola	
Colvin	Grant	Ketcham	Prosser	Truman	
Connolly	Hammond	Lapham	Robertson		10

Mr. Williams moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Ferry	Kelly	J. M. Murphy	Ramsey	Warner	
Goss	Montgomery	P. P. Murphy	Rotch	Williams	
Hillhouse	Munroe				12

FOR THE NEGATIVE.

Abell	Fiero	Hammond	Manierre	Sessions	
Blood	Gardiner	Ketcham	Richmond	Spinola	
Colvin	Grant	Lapham	Robertson	Truman	
Connolly					16

Mr. Warner moved that the Senate again resolve itself into a committee of the whole on said bill.

Mr. Spinola moved to lay the whole subject on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Montgomery	P. P. Murphy	Warner	
Colvin	Hillhouse	Munroe	Ramsey	Williams	
Ferry	McGraw				12

FOR THE NEGATIVE.

Abell	Gardiner	Ketcham	J. M. Murphy	Sessions	
Blood	Grant	Lapham	Prosser	Spinola	
Connolly	Hammond	Manierre	Robertson	Truman	
Fiero	Kelly				17

Mr. Prosser moved that said bill be made the special order for 8 o'clock, this evening.

Mr. Sessions moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	Munroe	Ramsey
Bell	Piero	Kelly	J. M. Murphy	Sessions
Blood	Gardiner	Lapham	P. P. Murphy	Spinola
Colvin	Goss	McGraw	Prosser	Williams
Connolly	Grant	.		

22

FOR THE NEGATIVE.

Ketcham	Robertson	Truman	Warner
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4

On motion of Mr. Piero, the Senate took a recess until 8 o'clock.

EIGHT O'CLOCK.

The Senate again met.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend section 5, chapter 174, laws of 1853, in relation to laying out private roads and discontinuing public highways," with the following amendment:

Add at the end of section one, the following:

"And if any person shall consider himself aggrieved by the decision of the said freeholders, either in laying out or closing a road, he may within sixty days after such determination shall have been filed in the office of the town clerk, appeal to the county judge of the county, in the same manner as appeals were heretofore allowed to be made to three judges, under title first, article 4th, chapter 16th, part first of the Revised Statutes. All acts and parts of acts that are inconsistent with this act, are hereby repealed."

Mr. Montgomery moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Grant	Prosser	Rotch
Bell	Piero	Ketcham	Ramsey	Sessions
Colvin	Gardiner	Lapham	Richmond	Truman
Connolly	Goss	Montgomery	Robertson	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Truman moved to take from the table the Assembly bill entitled "An act to repeal the act entitled 'An act to abolish tolls on railroads,' passed July 10, 1851."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell Colvin Connolly	Fiero Gardiner Grant	Hammond Hillhouse Kelly	Ketcham Manjerre Sessions	Spinola Williams	14
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FOR THE NEGATIVE.

Bell Blood Ferry	Goss Lapham	Montgomery Munroe	Ramsey Rotch	Truman Warner	11
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The President then put the question whether the Senate would agree to said motion to take from the table, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abell Ketcham	Lapham Montgomery	Munroe Richmond	Robertson Truman	Warner	9
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FOR THE NEGATIVE.

Bell Blood Colvin Connolly	Ferry Fiero Gardiner Goss	Grant Hammond Hillhouse Kelly	Manjerre J. M. Murphy Prosser Ramsey	Rotch Sessions Spinola Williams	20
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By unanimous consent, Mr. Spinola moved that the Senate resolve itself into a committee of the whole on the Assembly bill entitled "An act to authorize the construction of a railroad in Houston and other streets, in the city of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. Grant, from said committee, reported in favor of the passage of said bill, with amendments.

Mr. Bell renewed the motion made in committee of the whole, to amend by inserting the following as an additional section :

"The franchises herein granted, shall after legal notice, be sold under the direction of the comptroller of the city of New York, to the highest bidder, for the benefit of said city."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell Connolly	Ferry Goss	Kelly Montgomery	Munroe Prosser	Truman Williams	10
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FOR THE NEGATIVE.

Abell Blood Colvin Fiero	Gardiner Grant Hammond	Ketcham Manjerre J. M. Murphy	Ramsey Richmond Robertson	Sessions Spinola Warner	15
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The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

Ordered, That said bill be read a third time.

Mr. Spinola moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman moved to recommit said bill, with instructions to amend by inserting a provision offering the franchises of said road for the benefit of the construction of the extension of the Chenango canal.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.				
Blood Colvin	Ferry Grant	Lapham Montgomery	Spinola	Truman
8				
FOR THE NEGATIVE.				
Abell Bell Connolly Fiero	Gardiner Goss Hammond Ketcham	Munroe J. M. Murphy Prosser Ramsey	Richmond Robertson Rotch	Sessions Warner Williams
18				

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.				
Abell Blood Colvin	Connolly Gardiner Hammond	Ketcham Lapham J. M. Murphy	Ramsey Richmond Robertson	Sessions Spinola
14				
FOR THE NEGATIVE.				
Bell Ferry Goss	Grant Hillhouse Kelly	McGraw Montgomery	Prosser Rotch	Warner Williams
12				

Mr. Spinola moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.				
Abell Blood Colvin Connolly	Fiero Gardiner Grant Hammond	Ketcham Lapham J. M. Murphy	Ramsey Richmond Robertson	Rotch Sessions Spinola
17				
FOR THE NEGATIVE.				
Bell Ferry	Goss Hillhouse	Kelly McGraw	Montgomery Prosser	Truman Warner
10				

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to incorporate the East Brooklyn Savings Bank of the city of Brooklyn," with a message informing that they had concurred in the passage of the same, with the following amendments :

Add after the word "transacted," in the 26th line of section 6, the following words : "but not to be altered so as to affect any deposit previously made."

Add to section 10 the following :

"And when any deposit shall be made by any female, being, or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor, such sums as shall be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation."

Add to section 9 the following :

" Whenever any agent shall be appointed to make any such examination he shall be paid for his services by such corporation, such sum as the Superintendent of the Banking Department shall certify to be reasonable and just."

Add the following after the 12th section :

Sec. 13. The supreme court may, at any time, on the application of any trustee or depositor in said institution, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and be subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons, and the said court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of the said corporation. The said person or persons so appointed shall report the result of their investigation to said court, who, if satisfied thereby that any officer, trustee or servant of said corporation, has been guilty of any fraud or misconduct, may remove such person or persons, and make such further orders, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Section 13 to be altered to section 14.

Mr. Spinola moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Kelly	J. M. Murphy	Sessions
Connolly	Grant	Lapham	Prosser	Spinola
Ferry	Hammond	McGraw	Ramsey	Truman
Fiero	Hillhouse	Montgomery	Robertson	Williams
Gardiner				

21

FOR THE NEGATIVE.

Bell	Ketcham	Richmond	Rotch	Warner
Colvin	Munroe			

7

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to change the name of James Monroe Lewis to James Monroe Warner," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Colvin, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to change the name of Helen Elizabeth Weston to Ida Elizabeth Bolles," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman moved that said bills be recommitted to the committee, to report complete.

Mr. Spinola moved to amend, so as to go into committee of the whole on said bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the Assembly bills entitled as follows:

"An act to change the name of James Monroe Lewis to James Monroe Warner."

"An act to change the name of Helen Elizabeth Weston to Ida Elizabeth Bolles."

After some time spent thereon, the President resumed the chair, and Mr. Ramsey, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to, and said bills ordered to a third reading.

By unanimous consent, Mr. McGraw moved that said bills now have their third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to change the name of James Monroe Lewis to James Monroe Warner," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Richmond	Spinola
Colvin	Grant	McGraw	Robertson	Warner
Ferry	Kelly	J. M. Murphy	Rotch	Williams
Gardiner	Ketcham	Ramsey		

18

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Assembly bill entitled "An act to change the name of Helen Elizabeth Weston to Ida Elizabeth Bolles," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	McGraw	Rotch
Bell	Gardiner	Kelly	J. M. Murphy	Spinola
Blood	Goss	Ketcham	Ramsey	Warner
Colvin	Grant	Lapham	Robertson	Williams

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Manierre, from the committee on the Incorporation of cities and villages, to which was referred the Assembly bill entitled "An

act to incorporate the **Harlem Stage and Ferry** company, of the city of New York," reported in favor of the passage of the same.

On motion of Mr. J. M. Murphy, and by unanimous consent, the rule was suspended and said bill recommitted to the committee, to report complete.

Mr. Spinola moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act to authorize the construction of a railroad in Houston and other streets, in the city of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Ramsey	Rotch
Blood	Gardiner	Lapham	Richmond	Sessions
Colvin	Grant	J. M. Murphy	Robertson	Spinola
Connolly	Hammond			

17

FOR THE NEGATIVE.

Bell	Goss	Kelly	McGraw	Warner
Ferry				

6

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

Mr. Manierre, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the Hermitage Association, in the city of New York," reported in favor of the passage of the same.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended and said bill recommitted to the committee, to report complete.

Mr. McGraw moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the 'Hermitage Association,' in the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Spinola, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hammond	Munroe	Richmond
Blood	Goss	McGraw	J. M. Murphy	Sessions
Colvin	Grant	Montgomery	Ramsey	Spinola
Connolly				

16

FOR THE NEGATIVE.

Ferry	Prosser	Truman	Warner	Williams
Ketcham				

6

Mr. Spinola moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the Harlem Stage and Ferry company, of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. J. M. Murphy, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Montgomery	Ramsey	Sessions
Bell	Gardiner	Munroe	Robertson	Spinola
Colvin	Grant	J. M. Murphy	Rotch	Williams
Connolly	Hammond			

17

FOR THE NEGATIVE.

Ferry	Goss	Lapham	Prosser	Warner
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5

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendments.

Mr. Spinola moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act to incorporate the 'Hermitage Association,' in the city of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and in was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Kelly	Ramsey	Sessions
Colvin	Goss	Lapham	Richmond	Spinola
Connolly	Grant	Munroe	Robertson	Truman
Fiero	Hammond	J. M. Murphy	Rotch	

19

FOR THE NEGATIVE.

Bell

Prosser

Warner

Williams

4

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Ramsey moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Spinola moved that the Senate take a recess for half an hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

TEN O'CLOCK.

The Senate again met.

Mr. Manierre, from the committee of conference on the part of the Senate and Assembly, to consider the matters of difference between the two Houses, on the Assembly bill entitled "An act to enable the supervisors of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," made the following report:

1. The Assembly and Senate conferees agree in amending section 1, line 9, engrossed bill, by striking out the words "\$379,219," and inserting in lieu thereof "\$477,719."

2. The Assembly conferees concur in Senate amendment as follows: "In line 46, for fire department, \$100,000, \$30,000 of which shall be used for the purchase of steam fire engines, and apparatus connected therewith.

3. The conferees of the Senate and Assembly concur in amending the Senate amendment in section 1, line 66, engrossed bill, by striking out "\$15,000," and inserting "\$10,000 for Kingsbridge road."

4. The said conferees of Senate and Assembly also agree to amend the Senate amendment occurring in section 1, line 81, second line, by inserting \$1,200 in place of \$1,000.

5. The Senate recedes from its amendment striking out lines 109, 110, 111, 112 and 113.

6. The Assembly concur in Senate's amendment, by adding at the end of section 1, the following: "For regulating, completing and paving the public carriage way across the lower angle of the park, in accordance with the resolutions of the common council, approved by Mayor Tiemann, January 8, 1859, and December 31, 1859, the sum of \$2,300."

7. The Assembly concur in Senate amendment striking out section 3 of engrossed bill.

8. The Assembly concur in the Senate amendment to section 4 of the engrossed bill; and also amend the same section by striking out in third line of third section the words "at any time," and insert the words "before or."

9. The conferees of Senate and Assembly concur in the Senate amendment to the first section by adding after the 113th line, engrossed bill, the following :

"For Seventh Regiment, National Guard, First Division New York State Militia, for complete set of camp equipage, the sum of \$5,000, or so much thereof as may be necessary for that purpose, when certified by the colonel of the regiment."

10. The Senate recedes from its amendment to section 5 engrossed bill, striking out all after the word "appropriation," in lines 24 and 25, by restoring the balance of the section proposed to be struck out, and adding as follows :

"The proposals for said contract shall be advertised in such newspapers as may be designated by said common council, and the contract or contracts shall be awarded as in the judgment of the mayor and common council shall be for the interest of the city. The work under said contract or contracts shall be performed under the supervision of the city inspector. The party or parties to whom such contract or contracts may be awarded shall give such security as may be prescribed by the mayor and comptroller."

11. Wherever the words "common council" occur in the above amended section, insert before said words the words "mayor and."

12. The Assembly concur in Senate amendment to section 6, engrossed bill, line 9, striking out the words "\$13,406," and inserting in lieu thereof "\$93,406."

The conferees of the Senate and Assembly concur in amending section 6, after line 41, by inserting as follows :

"For a survey of the Harlem river, with a view of ascertaining whether the same can be made navigable for \$2,000, or so much thereof as may be necessary. The board of supervisors are directed to cause the survey to be made."

The Assembly concur in Senate's amendment to section 7, empowering the board of supervisors to raise the sum of \$80,000, etc.

JAMES McQUADE,
RICHARD B. CONNOLLY,
B. F. MANIERRE,
C. H. TUCKER,
V. RICHMOND.

The President put the question whether the Senate would agree on concurring in the report of the conference committee, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Ketcham	Ramsey	Spinola
Blood	Grant	Lapham	Richmond	Truman
Connolly	Hammond	Manierre	Robertson	Warner
Fiero	Hillhouse	Munroe	Rotch	Williams
Gardiner	Kelly	J. M. Murphy	Sessions	

24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the report of the conference committee.

On motion of Mr. Fiero, the Senate adjourned.

TUESDAY, APRIL 17, 1860.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

A message was received from His Excellency the Governor, and having been read, and the Clerk having announced that it was not signed with the name of the Governor,

Mr. Spinola moved that said communication be referred to the committee on the judiciary.

Mr. Williams moved that it be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Gardiner	Ketcham	Roteh	Truman	
Colvin	Grant	Lapham	Sessions	Warner	
Connolly	Hammond	Ramsey	Spinola	Williams	
Fiero	Kelly	Richmond			18

FOR THE NEGATIVE.

Abell	Goss	Manierre	Munroe	P. P. Murphy	
Bell	McGraw	Montgomery	J. M. Murphy	Robertson	
Ferry					11

Mr. Bell moved to take said communication from the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell moved that said communication, together with the bill accompanying it, be returned to His Excellency the Governor.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to organize the Highland Union Cemetery Association, near Buttermilk Falls, in Orange county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Kelly	Montgomery	Spinola	
Bell	Fiero	Ketcham	Munroe	Truman	
Blood	Gardiner	Lapham	J. M. Murphy	Warner	
Colvin	Grant	McGraw	P. P. Murphy	Williams	
Connolly	Hammond	Manierre	Sessions		24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Richmond, from the committee on the incorporation of cities and villages, to which was referred the Assembly bill entitled "An act to authorize the corporation of the city of New York to sell certain lands to the United States, and ceding jurisdiction thereof," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

A message was received and read, from his Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit :

ALBANY, *April 17, 1860.*

*To the Senate :—*The bill “to facilitate the construction of the Albany and Susquehanna railroad,” has been presented to me for my consideration.

A bill originating in the Assembly of last year, with a similar title, was in like manner presented to me, from which I was constrained by considerations of public duty to withhold my assent. Among those considerations were some of a fundamental character, which could not, under any circumstances, be disregarded, while there were others of a nature to be affected by circumstances, such as the condition of the treasury, the claims upon the public regard of the localities favoring the proposed enactment, and the expediency of reviving the policy of appropriating the public moneys to purposes of local improvement.

With a due sense of the responsibility of the position in which the people of the commonwealth have placed me, and with, I am sure, a sincere desire to avoid the abuse of the power with which I have been invested by the organic law, I was not disposed to insist upon the infallibility of my own judgment with reference to the objections urged by me against the bill of last year, and especially when my action conflicted with the action of a co-ordinate and respected branch of the government, and therefore, since I had substantial reasons for believing that an application would be pressed upon the present Legislature for aid to the Albany and Susquehanna railroad, and that this application would be supported by urgent and earnest petitions from the localities interested, I thought it not inappropriate to refer to the subject in my last annual message, and to suggest some of the provisions which I deemed indispensable to my approval of any measure appropriating money “to facilitate the construction of the Albany and Susquehanna railroad.” That portion of the message relating to this matter is as follows :

“Towards the close of the last session of the Legislature I felt it to be my duty to return with my objections, a bill “to facilitate the construction of the Albany and Susquehanna railroad,” which bill made an appropriation of two hundred thousand dollars from the treasury. The Legislature was induced to grant that aid, it is presumed, in consideration of the fact that the section of the State through which that road is to run, is isolated, and has not directly participated in the liberal expenditures for improvements, by means of which other portions of the State have been so largely benefited. The reasons which led me to withhold my approval from the bill were conclusive to my mind, and under similar circumstances would lead to the same action. This measure has been presented to the people, accompanied by my objections, and may return for reconsideration. It may be proper, therefore, in this changed aspect of the question, to say at this time, that if the immediate representatives of the people, chosen as the entire Legislature has been since

my objections were made public, deem the aid of the State due to a sequestered section, and think proper to pass *by a constitutional vote*, a bill for that object, providing therein, by tax or otherwise, *the money to pay whatever appropriation is made*, I shall yield my own opinions to the will of the people thus expressed."

Having thus submitted my own action on this subject to the criticism and revision of the Legislature, clearly indicating, at the same time, what action on its part would be deemed essential to secure my approval. I could not, without a betrayal of the important trust confided to me, sanction a bill more objectionable, in some respects, than the bill of last year, and obnoxious to the charge of violating the Constitution.

The first section of the bill under consideration, proposes to impose a tax of *one-fourth* of a mill, *for one year*, upon each dollar of the valuation of the real and personal property of this State, to be assessed, levied, collected, &c., &c.

This tax, for one year, would realize a little over three hundred and fifty thousand dollars, and this is the only provision made by the bill to meet the appropriations of the following section.

The second section proposes to appropriate, when satisfactory proof is furnished the Comptroller that one million of dollars have been expended in the construction and equipment of the road, and the same has been put in operation thirty miles from Albany, *three hundred thousand dollars*; when like proof is furnished that another thirty miles of the road are constructed, *the further sum of two hundred thousand dollars*; and again, when like proof is furnished that still another thirty miles of the road are constructed, *another sum of two hundred thousand dollars*; and when similar proof is furnished that the road is completed and put in operation to Binghamton, *"the balance of the moneys raised for the purposes aforesaid."*

Here are *seven hundred thousand dollars specifically appropriated*, to say nothing of the rather obscure appropriation in the event of the road being completed and put in operation to Binghamton; and yet the bill only imposes a tax of three hundred and fifty thousand dollars to meet these appropriations, leaving three hundred and fifty thousand dollars to be raised in some other manner, and at some indefinite period.

Under the provisions of this bill the company for whose benefit it is designed could go into the market and borrow the full sum appropriated, on the faith and credit of its ultimate re-payment by the State. It must be borne in mind, in this connection, that all State indebtedness results from legislative enactment; and that certificates of stock are but mere negotiable evidences of debt, relying for their vitality upon the previous action of the Legislature. To the extent of the appropriation not specifically provided for by the tax imposed, this bill pledges the faith of the State to this corporation, and is therefore in direct contravention of section nine, article seven, of the Constitution, which declares "the credit of the State shall not in *any manner* be given or loaned to, or in aid of any individual, association, or corporation."

Again, this bill, like the bill of last year, comes to me with the certificate of the presiding officers of both branches of the Legislature, that it was passed by the concurrence of a majority only of the members elected to each House.

Section 9, of article 1, of the Constitution, declares:

"The assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes."

I am unable now, as I was on a former occasion, by any process of reasoning satisfactory to my own mind, to arrive at any other conclusion than that the provisions of this bill bring it within the requirement of the Constitution, here quoted. That a corporation created with a view to personal profit, whose property and franchises are owned and controlled by individuals, not chosen by the people nor directly responsible to them, with which the State at large has no connection, and from the receipts of which it can derive no advantage, can be considered otherwise than *private*, within the constitutional sense of that term, [whatever may be the scope and influence of the right of eminent domain,] I am at loss to determine. It is true, the section of the country through which it is to pass, will receive the benefits from its construction through the facilities which it will furnish for the transportation of persons and property; but these incidental advantages to the public can no more take a railroad company from the reach and influence of the constitutional provision, to which I have alluded, than they would other corporations, from the operation of which similar benefits to the public are daily resulting.

Believing then, that the bill does not remove the fundamental and insuperable obstacles to my approval of the bill of last year; that it does not make full provision for the payment of the amount which it appropriates; that it creates a demand upon the treasury which, without such provision, must result in dishonor to the State; and finally, that it lacks the constitutional vote essential to its vitality. I herewith return it to the Senate, in which it originated, with these, my objections.

E. D. MORGAN.

Mr. Abell moved to lay the message on the table.

The President put the question whether the Senate would agree to said motion and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Grant	Lapham	Sessions	Williams
Blood				

FOR THE NEGATIVE.

Bell	Goss	McGraw	P. P. Murphy	Spinola
Colvin	Hammond	Manierre	Ramsey	Truman
Connolly	Hillhouse	Montgomery	Richmond	Warner
Gardiner	Kelly	J. M. Murphy	Rotch	

The President then put the question "Shall this bill become a law, notwithstanding the objections of the Governor?" and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hammond	J. M. Murphy	Rotch
Blood	Goss	Kelly	Ramsey	Spinola
Colvin	Grant	Manierre	Robertson	Warner
Connolly				

16

FOR THE NEGATIVE.

Bell	Hillhouse	P. P. Murphy	Truman	Williams
Ferry	Montgomery	Richmond		

8

Ordered, That the Clerk deliver said bill to the Assembly, with a message informing that the Senate have passed the same, notwithstanding the objections of the Governor, two-thirds of all the Senators present voting in favor thereof.

Mr. Spinola moved to take from the table the message of the Governor returning with his objections the bill entitled "An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question, "Shall this bill become a law notwithstanding the objections of the Governor?" and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Ferry	Ketcham	Ramsey	Sessions
Blood	Gardiner	Lapham	Richmond	Spinola
Colvin	Grant	Lawrence	Robertson	Warner
Connolly	Hammond	Munroe	Rotch	

19

FOR THE NEGATIVE.

Bell	Hillhouse	McGraw	P. P. Murphy	Truman
Goss	Kelly	Manierre		

8

Ordered, That the Clerk deliver said bill to the Assembly, with a message informing that the Senate have passed the same notwithstanding the objections of the Governor, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, informing that they had passed, notwithstanding the objections of the Governor, the Assembly bill entitled as follows :

"An act to authorize the construction of a railroad in Avenue D, East Broadway, and other streets of the city of New York."

The communication from the Governor to the Assembly having been read,

The President put the question, "Shall this bill become a law, notwithstanding the objections of the Governor?" and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lapham	Ramsey	Sessions
Blood	Grant	Lawrence	Richmond	Spinola
Colvin	Hammond	Munroe	Robertson	Warner
Connolly	Ketcham	J. M. Murphy	Rotch	Williams
Fiero				

21

FOR THE NEGATIVE.

Bell	Hillhouse	McGraw	Montgomery	Truman
Goss	Kelly	Manierre	P. P. Murphy	

9

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, notwithstanding the objections of the Governor, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, informing that they had passed, notwithstanding the objections of the Governor, the Assembly bill entitled as follows:

"An act to authorize the construction of a railroad track on South, West, and certain other streets in the city of New York."

The communication from the Governor to the Assembly having been read,

The President put the question, "Shall this bill pass, notwithstanding the objections of the Governor?" and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Lapham	Ramsey	Sessions
Blood	Gardiner	Lawrence	Richmond	Spinola
Colvin	Grant	Munroe	Robertson	Warner
Connolly	Hammond	J. M. Murphy	Retch	Williams
Ferry	Ketcham			

22

FOR THE NEGATIVE.

Bell	Hillhouse	McGraw	Montgomery	Truman
Goss	Kelly	Manierre	P. P. Murphy	

9

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, notwithstanding the objections of the Governor, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, informing that they had passed, notwithstanding the objections of the Governor, the Assembly bill entitled as follows:

"An act to authorize the construction of a railroad in Tenth avenue, Forty-second street, and certain other avenues and streets of the city of New York."

The communication from the Governor to the Assembly having been read,

The President put the question, "Shall this bill become a law, notwithstanding the objections of the Governor?" and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Ramsey	Sessions
Blood	Gardiner	Lapham	Richmond	Spinola
Colvin	Grant	Lawrence	Robertson	Warner
Connolly	Hammond	J. M. Murphy	Retch	Williams
Ferry				

21

FOR THE NEGATIVE.

Bell	Hillhouse	McGraw	Montgomery	Truman
Goss	Kelly	Manierre	P. P. Murphy	

9

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, notwithstanding the objections of the Governor, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, informing that they had passed, notwithstanding the objections of the Governor, the Assembly bill entitled as follows:

"An act to authorize the construction of a railroad in Seventh avenue and in certain streets of the city of New York."

The communication from the Governor to the Assembly having been read,

The President put the question, "Shall this bill become a law, notwithstanding the objections of the Governor?" and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Ramsey	Sessions
Blood	Gardiner	Lapham	Richmond	Spinola
Colvin	Grant	Lawrence	Robertson	Warner
Connolly	Hammond	J. M. Murphy	Rotch	Williams
Ferry				

21

FOR THE NEGATIVE.

Bell	Hillhouse	McGraw	Montgomery	Truman
Goss	Kelly	Manierre	P. P. Murphy	

9

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, notwithstanding the objections of the Governor, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received, informing that they had passed, notwithstanding the objections of the Governor, the Assembly bill entitled as follows:

"An act to authorize the construction of a railroad in Fourteenth street and in other streets of the city of New York."

The communication from the Governor to the Assembly having been read,

The President put the question, "Shall this bill become a law, notwithstanding the objections of the Governor?" and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Ketcham	Ramsey	Sessions
Blood	Gardiner	Lapham	Richmond	Spinola
Colvin	Grant	Lawrence	Robertson	Warner
Connolly	Hammond	J. M. Murphy	Rotch	Williams
Ferry				

21

FOR THE NEGATIVE.

Bell	Hillhouse	McGraw	Montgomery	Truman
Goss	Kelly	Manierre	P. P. Murphy	

9

Ordered. That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, notwithstanding the objections of the Governor, two-thirds of all the Senators present voting in favor thereof.

Mr. Spinola moved that the Assembly bill entitled "An act to authorize the corporation of the city of New York to sell certain lands to the United States, and ceding jurisdiction thereof," be referred to the first committee of the whole, and made the special order for 12½ o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Goss moved that the Senate hold an executive session at 15 minutes to one.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Abell moved that the Senate go into committee of the whole on the bill entitled "An act to provide for lengthening the locks upon the Erie and Oswego canals, without cost to the State."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. Warner, from said committee, reported in favor of the passage of the same, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Spinola moved that said bill be now read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Gardiner	Lawrence	Prosser	Rotch
Blood	Goss	J. M. Murphy	Ramsey	Spinola
Connolly	Hammond	P. P. Murphy	Robertson	Warner
Fiero	Hillhouse			

17

FOR THE NEGATIVE.

Bell	Kelly	McGraw	Munroe	Sessions
Colvin	Ketcham	Manierre	Richmond	Williams
Ferry	Lapham	Montgomery		

13

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill:

"An act to provide the means to pay the interest on the debt created under section 3 of article 7 of the Constitution, for the enlargement and completion of the canals of this State, for the fiscal years commencing on the first day of October, 1859, and ending on the 30th day of September, 1861," which was read the first time, and by unanimous consent was also read the second time.

Mr. Sessions moved that the Senate resolve itself into a committee of the whole on said bill; also on the Assembly bill entitled "An act to authorize the corporation of the city of New York to sell certain lands to the United States, and ceding jurisdiction thereof."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bills.

After some time spent thereon, the President resumed the chair, and Mr. Hillhouse, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Hillhouse, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

A message was received, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, April 17, 1860.

To the Senate:—The bill entitled "An act to legalize certain proceedings of the mayor, aldermen and commonalty of the city of New York," is avowedly intended to overrule the decision of the highest judicial tribunal in the State. From the papers accompanying the bill, and from other sources, I learn that the bill is for the benefit of James B. Brady, who claims to have suffered loss from a contract made by him with the street commissioner of the city of New York.

It appears that the common council ordered a contract made to set the curb and gutter, and flag a portion of Eighty-third street. Before entering into the contract it was the duty of the surveyor to examine the ground and make an approximate estimate of the amount and kind of work to be done, on which estimate proposals were to be invited. The surveyor estimated the various kinds of work, but in violation of his duty, omitted all reference to rock excavation.

The advertisement, however, invited bids for "removing rock, if any should be found." Mr. Brady made a low bid upon the items specified in the surveyor's estimate, but for rock excavation he bid the sum of twenty-five dollars per yard. The proposal of only one of the other bidders made any mention of rock, and he bid five dollars per cubic yard, and was the lowest bidder, if rock was to be considered; if rock was excluded, a third contractor was the lowest bidder. The street commissioner, in assigning the contract, omitted all rock and gave the contract to Mr. Brady, and it was confirmed by the common council. Mr. Brady performed the work, and excavated nine hundred and forty-three yards of rock.

The cost of setting the curbs and gutters, and performing the work estimated for by the surveyor, was about thirty-six hundred dollars, but the claim for excavating rock was twenty-three thousand five hundred and seventy-five dollars.

Mr. Brady received, as the work progressed, about nineteen thousand dollars, being the usual advance of seventy per cent, and the common council subsequently confirmed an assessment for the entire amount.

The attention of the Comptroller was however attracted to the great difference between the original estimate for the work, which

was about four thousand dollars, and the amount claimed, and after investigation he refused to pay anything more.

Mr. Brady then commenced suit against the city, but the decision was in favor of the city in the superior court, at general term, and in the court of appeals. He now asks the Legislature to intervene, override the action of the courts, and require the city to pay him about nine thousand dollars, which the courts have decided the city does not owe him. The decision of the courts rests in the well known principle that officers of a corporation have only a limited power, and that "those who deal with a corporation, whose mode of dealing is prescribed in their charter, must take notice of such prescription at their peril," and that in this case the contract was not given to the lowest bidder as the charter requires, and was therefore illegal and void. Even if the decision rested on a mere technical ground, and not on a sound principle, it does not seem to me that any reason is shown for legislative interference in this case. Mr. Brady has already received far more than the work he has done was worth. For excavating nine hundred and forty-three yards of rock he has received at least fifteen thousand dollars, while at the ordinary price the work would have been worth not more than fifteen hundred dollars.

Believing that, under these circumstances, no hardship has been done to Mr. Brady, and that this certainly is not a case where justice requires legislative interference with the decisions of the courts, I return the bill for reconsideration.

E. D. MORGAN.

The message having been read,

Mr. Spinola moved that it be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A further message was received from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, *April 17, 1860.*

To the Senate,—I was compelled a few days since to return to the Assembly, in which originated, a bill entitled "An act to erect a new county from the Third Assembly district of Steuben county, to be called Canisteo."

The reasons which led to this course were in a communication to that body stated, as follows:

"Doubts having been suggested to me as to its constitutionality, I submitted the question to the Attorney General, stating to that officer the admitted facts that the representative population of the district proposed to be comprised in the new county was, in 1855, only about twenty thousand, while the ratio of representation throughout the State was about twenty-two thousand, and that the county of Steuben obtained its third member as one of the counties having the largest fraction. That officer, by a course of reasoning which carries conviction to my mind, and which must, I think, satisfy the members of the Legislature, arrives at the conclusion that

the bill is unconstitutional. The provisions of the Constitution bearing upon the question are to be found in the third article of that instrument. It is provided that the Assembly shall consist of one hundred and twenty-eight members, and that they shall be apportioned among the several counties by the Legislature 'as nearly as may be, according to the number of their respective inhabitants,' and shall be chosen by single districts. It is further provided that, in counties entitled to more than one member, the supervisors shall divide their county into as many districts as they are entitled to members, and shall file a description of the several districts, 'specifying the number of each district and the population thereof, according to the last preceding State enumeration as near as can be ascertained.' Each Assembly district must 'contain as nearly as may be, an equal number of inhabitants,' and must 'consist of convenient and contiguous territory;' but no town can be divided in the formation of districts. The same section provides: 'every county *heretofore* established and separately organized, except the county of Hamilton, shall always be entitled to one member, and no new county shall be hereafter erected, *unless its population shall entitle it to a member*. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member.'

"The question as to the constitutionality of the act under consideration seems to depend, therefore, upon the true meaning of the restriction that '*no new county shall hereafter be erected, unless its population shall entitle it to a member*.' To decide this question we must, in the language of the Attorney General, 'ascertain, if possible, first, whether the proposed county is required to have been entitled to a member upon the basis of the last preceding enumeration, or at the time it is erected into a county.'

"Second, whether it is required to have a population equal to one one-hundred-and-twenty-eighth of the population of the State, or only a population actually represented under the distribution of members authorized by the above constitutional provision.

"It would seem from the entire scope of the third article that the object of the Constitution was to secure as nearly as practicable equality of representation, and that the above restriction was adopted to promote that end. The words of the present Constitution are in this respect identical with those of the Constitution adopted in 1822, and under that Constitution a statute was passed as follows:—'No change can be made that shall have the effect of reducing the number of inhabitants of any such county according to the last State census below the number required to entitle it to a member of Assembly according to the existing ratio of representation. No new county can be erected unless its population, according to the returns of the last State census, shall entitle it to a member.'

"The requirement that the supervisors shall file a description specifying the number of the district and the population thereof, according to the last preceding enumeration, as near as can be ascertained, when considered in connection with the then existing and

still unrepealed statute, indicates pretty strongly the intent of the Constitution. * * *

"I am unable to see any purpose in requiring the supervisors to specify the population of an Assembly district, according to the last preceding census, unless to form a guide to legislative action in this very respect. Besides, this is the only criterion of population provided by the Constitution; no other official information or manner of ascertaining population is provided except these periodical enumerations; and representation throughout the State (unless new counties are an exception) is based by the Constitution, and remains unaltered upon the last enumeration, until a new one is made under the constitutional authority. It is not to be presumed that the population of counties to be erected was intended to be placed on a more favorable basis than Hamilton, already erected, which is thereby required to elect with Fulton until its population shall, *according to the ratio*, be entitled to a member. If it were so, we should be led to the anomalous conclusion that it was the intent of the framers of the Constitution that Hamilton county should not have a member until its population was equal to the ratio of representation throughout the State, while new counties could be formed with a representative population less by one third to one half. In other words, while Hamilton county to-day must have a population of over twenty-two thousand to entitle it to a member, the second Assembly district of Livingston county, with a population of sixteen thousand eight hundred, could be erected into a county.

If, however, it is the population at the time the county is erected which is to govern, it would not be sufficient simply to ascertain the population of the district so to be erected, in order to determine whether its population is at *that time* entitled to a member. The population of the whole State at *that time* would have to be ascertained before that question could be determined.

It would not be equitable to base the ratio of all the rest of the State on the last preceding enumeration and disregard its increase while the district to be made a county would have the benefit of its increase since the last enumeration, and though means might perhaps be readily devised to satisfy the Legislature that the population of the proposed new county had increased since the last preceding census, it would be impossible, without an actual census of the whole State, to ascertain that it had more than kept pace with the general increase of the State. It seems to me, therefore, that we are inevitably led to the conclusion that the theory and spirit of the Constitution requires that the proposed new county should have been entitled to a member of Assembly upon the basis of the last preceding census.

"The second question involved is, is the population required to be equal to one one-hundred-and-twenty-eighth of the population of the State, or only a population represented under the distribution of members actually made?

"The object of the Constitution was to produce the nearest practicable approach to equality of representation. Counties already

organized were each entitled to one member (except Hamilton) and the 'members of Assembly shall be apportioned among the several counties of this State by the Legislature as nearly as may be according to the number of their respective inhabitants.' This would not produce entire equality but the nearest practicable approach to it.

"When, as in the case of the county of Steuben, in distributing the members, a member was awarded upon a fraction of population less than the ratio, and the supervisors of Steuben came to divide their county into three districts, they again were to act on the same principle, to divide equally, as near as may be, but so as to have each district convenient and contiguous, and not to divide any town. These rules would necessarily produce some inequality in the Assembly districts, and one or more of these districts must have a representative population less than the requisite number in the remainder of the State; but this inequality might and probably would at the next apportionment be corrected, perhaps reversed, while the district was comprised in the original county. If now erected into a new county it must always have a member, and the inequality becomes permanent, and the population of some other part of the State equal to the deficiency in this district becomes disfranchised."

The erection of the county of Canisteo and of that of Conhocton, for which purpose a bill is now before me, would constitute three counties having respectively from eighteen hundred to thirty-two hundred less population than the present ratio throughout the State, and each entitled to a member for all time to come, though the general ratio of representation must largely increase with each successive census.

Moreover the provision of the Constitution of 1846, as to the erection of new counties, was, as I have said, an exact transcript from the Constitution of 1821. There were, however, no such divisions as Assembly districts known to the Constitution of 1821, so that under that instrument it is clear no new county could be erected without having the full population to entitle it to a member, and the same language in the Constitution of 1846, must mean the same thing.

The result necessarily follows and constrains me to conclude that the intent of the Constitution was not that the action of the supervisors of a county in establishing Assembly districts, should have the effect to determine conclusively that the population of such district is entitled to a member as a separate and independent county. In other words, the fact that the territory proposed to be erected into a new county is an Assembly district, is a compliance with one of the requirements of the Constitution, but has no bearing upon the other question of sufficiency of population.

It has, however, been urged upon me that the Court of Appeals, in the Schuyler county case, decided that the courts could not review the action of the law-making power in deciding that a new county has the requisite constitutional population. If this is so, it seems to me only to impose the necessity of still greater care on the part of all branches of the law-making power to prevent a violation

of the fundamental principle of a government, that of equality of representation. If the decision of the law-making power is in this respect final, there should be no doubt in the mind of any portion of that power that any proposed new county at the time of its erection possesses a population equal to the ratio of representation throughout the State; and I can perceive no reason to suppose that the third Assembly district of Steuben county has so increased in population since 1855, as to contain one one-hundred-and-twenty-eighth part of the population of the State, either as it was in 1855, or as it is now. These considerations are conclusive and prevent me from approving the bill.

The conclusion to which I have been led from a consideration of the Constitution, is confirmed by an examination of the past history of the State. In 1846, the opinion of the then Attorney General, Hon. John Van Buren, was asked by the Assembly on the same provision of the Constitution of 1821. He replied at some length, and concluded:—"It seems to the undersigned that this prohibition can only be made effectual by holding that it not only forbids the Legislature from erecting a new county with less than the *ratio* of population, entitling it to a member of Assembly, but that it also forbids them afterwards to reduce this population below the ratio by the formation of a new county."

In 1851 and 1852, a similar question was before the Assembly, and was considered by a committee of that body. In 1851, they briefly reported against the erection of a new county on the ground of deficiency in population. In 1852, they made an able report, discussing the question and came to the conclusion:—"In short, a district or territory, the representative population of which is not equal to 1-128th part of the representative population of the whole State, has not sufficient population to entitle it to a member, and cannot be erected into a county without a direct violation of the Constitution."

In 1856, in reply to a resolution of the Assembly, the Attorney General said:—"The present Legislature cannot constitutionally erect a county having less than the full ratio of representative population under the census of 1855."

But even if these considerations only raised a doubt, great caution should be exercised in enacting such a law, in view of the inconvenience and prolonged litigation which arose in the similar case of Schuyler county.

As the proposed county of Conhocton, contained in 1855 less than 20,000 inhabitants, and is not shown to have increased since that time, the same objections apply to the bill which originated with your body entitled "An act to erect a new county from part of the county of Steuben, to be called the county of Conhocton, and to provide for the holding of the courts therein." There are, moreover, the additional objections, that the bill herewith returned, by providing for a prospective annexation of a portion of its territory to the county of Steuben, neutralizes in a measure any probable increase of population, and that if the county of Canistota is not to be

erected, it divides the territory of the present county of Steuben in a very inconvenient manner, while if both are to be erected it leaves the county of Steuben with a population of less than 19,000, on the basis of the census of 1855.

I therefore return without my approval the bill entitled "An act to erect a new county from part of the county of Steuben, to be called the county of Conhocton, and to provide for the holding of the courts therein."

E. D. MORGAN.

The message having been read,

Mr. Hammond moved to lay it on the table.

Mr. President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to provide the means to pay the interest on the debt created under section 3 of article 7 of the Constitution, for the enlargement and completion of the canals of this State, for the fiscal years commencing on the first day of October, 1859, and ending on the 30th day of September, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hillhouse	Montgomery	Richmond
Bell	Fiero	Kelly	Munroe	Robertson
Blood	Gardiner	Ketcham	J. M. Murphy	Rotch
Colvin	Goss	Lapham	P. P. Murphy	Sessions
Connolly	Hammond	McGraw	Prosser	Spinola
				25

FOR THE NEGATIVE.

Warner

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The Assembly bill entitled "An act to authorize the corporation of the city of New York to sell certain lands to the United States, and ceding jurisdiction thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abell	Fiero	Kelly	Munroe	Rotch
Bell	Gardiner	Ketcham	J. M. Murphy	Sessions
Colvin	Goss	Lapham	Prosser	Spinola
Connolly	Hammond	Montgomery	Richmond	Truman
				20

FOR THE NEGATIVE.

Ferry

Warner

2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same with amendments.

The hour of fifteen minutes to one having arrived, the President announced that the Senate would go into executive session.

Mr. Spinola moved that it be held with open doors.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, legislative business was resumed.

Mr. Colvin moved to take from the table the following resolution:

Resolved. (If the Assembly concur,) That the clerks of the Senate and Assembly purchase for each member, officer and reporter of the Legislature, one copy, at a price not exceeding two dollars, of the New York Council of Revision, by Alfred B. Street; ten copies for the Senate, and twenty copies for the Assembly Library, and twenty copies for the State Library.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Abell	Connolly	J. M. Murphy	Ramsey	Rotch	12
Blood	Gardiner	Prosser	Richmond	Sessions	
Colvin	Lapham				

FOR THE NEGATIVE.

Bell	Goss	McGraw	Robertson	Warner	13
Ferry	Kelly	Montgomery	Truman	Williams	
Fiero	Ketcham	P. P. Murphy			

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to authorize the formation of a mutual insurance company in the towns of Rensselaerville and Westerlo, in the county of Albany, and the towns of Durham and Greenville, in the county of Greene," with the following amendment:

Sec. 1, line 1, engrossed bill, strike out the word "mechanics" and insert in lieu thereof the words "mechanical establishments."

Mr. Fiero moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE

Abell	Gardiner	Ketcham	Munroe	Rotch	21
Colvin	Goss	Lapham	J. M. Murphy	Spinola	
Connolly	Hammond	McGraw	Prosser	Warner	
Ferry	Kelly	Montgomery	Robertson	Williams	
Fiero					

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act fixing the fees of justices' of the peace, in civil and criminal cases," with the following amendments:

Line 6, sec. 1, engrossed bill, strike out the word "twenty."

Insert the following as section four:

§ 4. Whenever a conviction shall be had in any court of sessions for any criminal offence, a record thereof shall be made by said

court, and filed in the office of the clerk of the county where said conviction shall be had, within thirty days from the time of said conviction; and whenever any fine imposed by said court shall be paid to said court, the same shall be paid to the treasurer of said county, within thirty days after the receipt thereof; and any neglect or refusal to file such conviction, or pay over said money, within the period aforesaid, shall be deemed a misdemeanor.

Change the number of subsequent sections to correspond.

Amend the title by adding thereto the following: "and for other purposes."

Mr. Colvin moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abell	Ferry	Hammond	McGraw	P. P. Murphy	
Blood	Fiero	Kelly	Montgomery	Prosser	
Colvin	Gardiner	Ketcham	Munroe	Robertson	
Connolly	Goss	Lapham	J. M. Murphy	Warner	20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Spinola moved to take from the table the following resolution:

Resolved, (if the Assembly concur,) That this Legislature will adjourn, *sine die*, on Friday, April 13th, at 3 o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Spinola moved to amend by striking out the words "on Friday, April 13th, at 3 o'clock P. M.," and inserting in lieu thereof the words "at half-past two, to-day."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bills:

"An act to amend section 5, chapter 174, laws of 1853, in relation to laying out private roads and discontinuing public highways."

"An act to authorize the New York Central and Oswego and Syracuse Railroad companies to erect a station house in the village of Geddes, and to charge additional fare."

"An act supplementary to an act entitled 'An act to amend an act entitled 'An act in relation to assessments for local improvements in the city of Brooklyn,' passed April 9, 1859.'"

"An act to facilitate the acquisition of land for a junction gate house, and to connect the same with the new reservoir and the city mains, in the city of New York."

Ordered, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bill :

"An act to provide against unsafe buildings in the city of New York."

Ordered, That the Clerk return said bill to the Assembly.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows :

"An act in relation to the Colonial History of the State of New York."

"An act to provide for the payment of interest on certain canal drafts."

"An act to amend the Code of Procedure."

"An act in relation to certain streets, avenues and roads, in the city of Brooklyn."

"An act authorizing the town of West Farms to raise money to macadamize a public road in said town."

"An act to amend an act entitled 'An act to constitute the village of Green Island, in the county of Albany, a separate road district,' passed April 13, 1858."

Ordered, That the Clerk return said bills to the Assembly.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment :

"An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842."

"An act to form a separate road district of all that part of the city of Albany lying west of Allen street, and to exempt the same from certain taxes."

"An act to incorporate the New York City Library association."

"An act to amend title 8, of chapter 8, of part 3d of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels.'"

"An act in relation to the Port Jackson and Union Falls Plank-road Association, in the towns of Peru and Schuyler Falls, in Clinton county."

"An act to amend the charter of the Hope Fire Insurance company, in the city of New York."

"An act requiring school district lines to be definitely described and recorded."

"An act to increase the compensation of Assistant Matrons of the Sing Sing female prison."

"An act to relieve the Tonawanda band of Seneca Indians from certain taxes on the Tonawanda reservation, and to prevent intrusions thereon."

"An act to enable the board of education of the town of Yonkers, Westchester county, to dispose of school property, by sale or otherwise."

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842."

"An act authorizing the election of trustees and other officers of the village of Gloversville."

"An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester."

"An act confirming certain leases of all the oil and salt springs on the Allegany reservations, in the counties of Cattaraugus and Allegany, made by the Seneca nation of Indians to Bradford R. Alden, of the city of New York."

"An act for the protection of boarding house keepers."

"An act to dissolve the 'Antwerp Company,' organized in 1854, for manufacturing lumber, at Antwerp, Jefferson county, New York, under the general law of 1848."

"An act to amend an act to incorporate the Savings bank of Utica."

"An act to alter the map or plan of the city of New York."

"An act to amend chapter 435 of the laws of 1859, entitled 'An act for the relief of the Ausable Plankroad company.'"

Ordered, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act making appropriations for certain expenses of Government for the year 1860," with a message that they had concurred in the report of the committee of conference on the same.

Ordered, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled "An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same," with a message that the message of the Governor having been read, the Speaker put the question, "Shall this bill pass notwithstanding the objections of the Governor?" and it was decided in the affirmative, two-thirds of all the members present voting in favor thereof.

Ordered, That the Clerk transmit said bill to the office of the Secretary of State.

On motion of Mr. Lapham, the Senate took a recess until 2 o'clock.

TWO O'CLOCK.

The Senate again met.

A message from the Assembly was received, informing that they had non-concurred in the passage of the following entitled bill:

"An act in relation to the planting of oysters within the waters of this State."

The Assembly returned the bill entitled "An act to facilitate the construction of the Albany and Susquehanna railroad," together with the message of the Governor returning the same with his objections, informing that the same having been read, the Speaker put the question, "Shall this bill pass, notwithstanding the objections of the Governor," and it was decided in the negative, two-thirds of all the members present not voting in favor thereof.

On motion of Mr. Spinola, the Senate took a recess until 4 o'clock.

FOUR O'CLOCK.

The Senate again met.

The Assembly returned the bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," with a message that they had concurred in the report of the committee of conference, except that portion thereof concurring in the Senate amendment relative to the commissioners of records, in which they non-concur.

Mr. Kelly moved that the Senate recede from said amendment.

Mr. Robertson moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion to recede, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Goss	Kelly	Montgomery	Warner	
Ferry	Hillhouse	McGraw			8

FOR THE NEGATIVE.

Abell	Gardiner	Ketcham	J. M. Murphy	Robertson	
Blood	Grant	Lapham	Prosser	Spinola	
Connolly	Hammond	Munroe	Richmond		14

Mr. Spinola moved that the Senate insist on said amendment.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Ketcham	J. M. Murphy	Robertson	
Blood	Grant	Lapham	Prosser	Spinola	
Connolly	Hammond	McGraw	Richmond	Truman	15

FOR THE NEGATIVE.

Bell	Hillhouse	Kelly	Munroe	Warner	
Goss					6

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate insist on said amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act for the relief of Joseph Bayley, of the town of Virgil," with the following amendments :

Strike out section 2, and insert the following in lieu thereof :

Sec. 2. That the supervisors of the towns of Virgil, Lapeer and Harford, in the said county of Cortland, are hereby severally authorized and empowered to execute deeds in fee simple to all other persons holding leases of gospel and school lands in said towns, and to receive therefor the value of said leases, at the rate of seven per cent. annual interest; and said supervisors are hereby required to invest the moneys so received in good mortgage securities, upon real estate situated in the said towns respectively, in the same manner in which the principal of the United States deposit fund is now loaned, and the annual interest of said mortgage securities shall be

applied to the support of the common schools in said towns respectively, in the same manner as the rent of said leases is by law required to be applied.

Change the number of section two to section three.

Amend the title so as to read as follows :

"An act to authorize the supervisors of the towns of Virgil, Lapeer and Harford, in the county of Cortland, to sell and convey certain lands, and invest the sums received therefor for the support of common schools."

The amendments having been read,

Mr. McGraw moved that the Senate concur.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Gardiner	Hillhouse	McGraw	Robertson
Bell	Goss	Kelly	Montgomery	Spinola
Blood	Grant	Ketcham	J. M. Murphy	Truman
Connolly	Hammond	Lapham	Prosser	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

On motion of Mr. Spinola, the Senate took a recess until half-past five o'clock.

HALF-PAST FIVE O'CLOCK.

The Senate again met.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 10, 1860,'" with the following amendments :

Sec. —, lines 1 and 2, strike out the words "above entitled act," and insert in lieu thereof the words "act entitled 'An act to amend the act entitled 'An act to provide for the organization and government of the police force of the city of Albany,' passed March 10, 1860.'"

Mr. Colvin moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abell	Goss	Kelly	Montgomery	Robertson
Blood	Grant	Ketcham	J. M. Murphy	Sessions
Colvin	Hammond	Lapham	Prosser	Spinola
Connolly	Hillhouse	McGraw	Richmond	Warner

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

By unanimous consent, Mr. McGraw offered the following resolution :

Resolved, That the Superintendent of Public Instruction be directed to prepare, or cause to be prepared under his direction and supervision, a code of school laws, which shall embrace in one compact and systematic act, all the laws necessary and pertaining to the department of public instruction and the common schools of this State, and report the same to the Legislature of the State, on or before the first day of February, 1861.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative.

By unanimous consent, Mr. Ketcham offered the following resolution :

Resolved, (if the Assembly concur,) That the clerks of the Senate and Assembly, purchase for each member, officer and reporter of the Legislature, one copy of Street's Council of Revision, at a price not exceeding two dollars per copy—five copies for the Senate Library, fifteen for the Assembly Library, and five for the State Library.

On motion of Mr. Ketcham, and by unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Blood	Gardiner	Hillhouse	J. M. Murphy	Richmond	
Colvin	Goss	Kelly	Prosser	Robertson	
Connolly	Grant	Ketcham			13

FOR THE NEGATIVE.

Hammond	McGraw	Montgomery	Sessions	Warner	6
Lapham					

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Lapham moved that the Senate take a recess until 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Spinola moved that the Senate resolve itself into a committee of the whole on the Assembly bill entitled as follows :

"An act to incorporate the New York Saddle Horse Club."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole and proceeded to the consideration of said bill.

After some time spent thereon, the President resumed the chair, and Mr. Spinola, from said committee, reported in favor of the passage of said bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Spinola moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	Presser	Robertson
Colvin	Hammond	McGraw	Ramsey	Sessions
Connolly	Hillhouse	Montgomery	Richmond	Spinola
Gardiner	Ketcham	P. P. Murphy		

18

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to incorporate the Steuben Monument Association," with the following amendment:

Strike out the following words at the end of section six:

"Any officer or agent, who shall appropriate to his own use, any of the funds or property of the association, or who shall be guilty of gross negligence in respect thereof, shall, in addition to his individual liability therefor, be deemed guilty of a felony, and upon conviction therefor, may be punished thereof, by a fine or imprisonment, or both; the fine to be in double the amount so converted, and to be paid to the association, and the imprisonment not to exceed three years in the State prison."

Mr. Spinola moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	Ketcham	Montgomery	Robertson
Colvin	Grant	Lapham	P. P. Murphy	Sessions
Connolly	Hammond	McGraw	Presser	Spinola
Gardiner	Hillhouse			

17

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to preserve the public peace and order on the first day of the week, commonly called Sunday," with the following amendment:

Strike out in section 1, all after the word "rope dancing," in line 9.

Mr. J. M. Murphy moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Goss	Lapham	P. P. Murphy	Robertson
Blood	Hammond	McGraw	Presser	Sessions
Colvin	Hillhouse	Montgomery	Ramsey	Truman
Connolly	Ketcham	J. M. Murphy	Richmond	Warner

Ordered that the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Spinola, from the select committee consisting of the Senators from the county of Kings, to whom was referred the Senate amendments to the Assembly bill entitled "An act to authorize the board of supervisors of the county of Kings to build a court house for said county," reported the same, and recommended that the Senate recede from their amendments.

The President put the question whether the Senate would agree to recede from said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Grant	Lapham	P. P. Murphy	Sessions
Blood	Hammond	McGraw	Ramsey	Spinola
Colvin	Hillhouse	Montgomery	Richmond	Truman
Connolly	Ketcham	J. M. Murphy	Robertson	Warner
Gardiner				

21

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have receded from their amendments.

By unanimous consent, Mr. J. M. Murphy offered the following resolution :

Resolved, (if the Assembly concur,) That the Legislature adjourn, *sine die*, at 7.30 this evening.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

A message from the Assembly was received, informing that they had concurred in the passage of the bill entitled "An act to lay out public parks and parade ground for the city of Brooklyn, and to alter the commissioners' map of said city," with the following amendment :

Add at the end of the third section, as follows : "and the expenses for the same shall be a charge upon that portion of the city of Brooklyn known as the western district."

Mr. Spinola moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Gardiner	Ketcham	J. M. Murphy	Robertson
Blood	Goss	Lapham	P. P. Murphy	Sessions
Colvin	Grant	McGraw	Prosser	Spinola
Connolly	Hillhouse	Montgomery	Ramsey	Warner

20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the following entitled bills :

"An act to authorize the formation of a mutual insurance company in the towns of Rensselaerville and Westerlo, in the county of

Albany, and the towns of Durham and Greenville, in the county of Greene."

"An act fixing the fees of justices' of the peace in civil and criminal cases, and for other purposes."

"An act to incorporate the East Brooklyn Savings bank, in the city of Brooklyn."

"An act to change the name of Mary McKinley Scofield to Mary Louisa Brown."

"An act to provide for a police court in the city of New York."

"An act to preserve the public peace and order on the first day of the week, commonly called Sunday."

"An act to authorize the supervisors of the towns of Virgil, Lapeer and Harford, in the county of Cortland, to sell and convey certain lands, and invest the sums received therefor for the support of common schools."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received, informing that they had concurred in the amendments of the Senate to the bills entitled as follows :

"An act to provide the means to pay the interest on the debt created under section 3 of article 7 of the Constitution, for the enlargement and completion of the canals of this State, for the fiscal years commencing on the first day of October, 1859, and ending on the 30th day of September, 1861."

"An act to authorize the corporation of the city of New York to sell certain lands to the United States, and ceding jurisdiction thereof."

"An act relative to lands devised by John Tonnele, deceased."

Ordered, That the Clerk return said bills to the Assembly.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment :

"An act to amend the charter of the village of Brownville."

"An act to constitute the village of North Watertown, in the county of Jefferson, a separate road district."

Ordered, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills :

"An act to incorporate the Steuben Monument Association."

"An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto."

Ordered, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received, informing that they had non-concurred in the passage of the following entitled bill :

"An act to abolish the board of commissioners of excise of the county of Chautauqua, and confer their powers and duties upon the justices of the peace in the several towns in said county, and the overseers of the poor therein."

On motion of Mr. Ketcham, the Senate took a recess until twenty minutes past seven.

TWENTY MINUTES PAST SEVEN.

The Senate again met.

The Assembly returned the concurrent resolution in relation to adjournment, with a message that they had concurred in the passage of the same with the following amendment:

Strike out the words "half-past seven" and insert in lieu thereof the word "ten."

Mr. Lapham moved that the Senate concur.

Mr. President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Goss, the Senate took a recess until half-past nine o'clock.

HALF-PAST NINE O'CLOCK.

The Senate again met.

By unanimous consent, Mr. Ketcham offered the following resolution:

Resolved, (if the Assembly concur,) That the hour for final adjournment of the Legislature, be extended to eleven o'clock of this evening.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

A message was received and read, from His Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

ALBANY, April 17, 1860.

To the Senate:—I approved on the 16th instant, the bills bearing the following titles, to wit:

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1860."

"An act authorizing the Canal Commissioners to pay for the construction of a bridge across the Oswego canal, in the town of Volney."

"An act in relation to the surplus water of the canal at Lockport, and the lessees thereof."

"An act for the relief of Benjamin Nott."

"An act for the relief of Harvey Borthwick."

"An act for the relief of Jacob Warren."

"An act for the relief of Samuel Skinner."

"An act for the relief of G. Honck."

"An act for the relief of C. A. Burr, for damages."

"An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to alter the road known as Shea's lane."

"An act to amend section 23, of chapter 181, of the laws of 1857, entitled 'An act to amend an act regulating highways and bridges in the counties of Suffolk, Queens and Kings,' passed March 26, 1857."

"An act to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose upon the town of Adams, in said county."

"An act to amend an act passed April 7, 1859, entitled 'An act to amend an act to incorporate the Monroe and Haverstraw road company,' passed March 10, 1824."

"An act to provide the means to support the government."

"An act to incorporate Rescue Fire Engine Company No. 1, of the village of Tarrytown, town of Greenburgh, Westchester county, State of New York."

"An act to authorize the board of supervisors of Westchester county, to increase the compensation of constables attending courts of record therein."

"An act to erect a new town from the towns of Castleton and Southfield, in the county of Richmond, to be called Middletown."

"An act to authorize the Methodist Episcopal churches therein named, to sell certain lands in the city of Brooklyn, formerly used for cemetery purposes, and to perfect title in the purchasers thereof."

"An act to authorize the city of Rochester to sell the stock of the Rochester and Genesee Valley railroad company, and to assist in the construction of water works."

"An act to amend the 4th title of chapter 2d, of part 4th of the Revised Statutes, entitled 'Of indictments and proceedings thereon.'"

"An act to provide for the opening of Paca avenue, in the county of Kings."

"An act amendatory of an act entitled 'An act to amend an act entitled An act in relation to sewerage and drainage in the city of Brooklyn,' passed April 15, 1859."

"An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854."

"An act to incorporate the Rochester academy of music and art."

"An act relative to Harbor Masters of the port of New York, and defining their powers and duties, and for the better protection of the harbor of New York city."

"An act to incorporate, in the city of New York, the Coast Wrecking company."

"An act to encourage and provide for a general vaccination in this State."

"An act authorizing the Comptroller of this State to hold the Tonawanda Indian Reservation in trust for the Tonawanda band of Indians."

"An act to amend an act entitled 'An act providing for the better collection of county taxes in the city of Buffalo, and for the sale by

the treasurer of Erie county of lands in said city, for unpaid taxes,' passed April 7, 1859."

"An act to amend the charter of the Catskill and Mountain turnpike company."

"An act to regulate the sale of poisons."

"An act to confirm the acts of Notaries Public."

"An act supplementary to an act entitled 'An act to amend an act entitled An act in relation to assessments for local improvements in the city of Brooklyn,' passed April 9, 1859."

"An act to confirm and legalize certain acts of the common council of the city of New York."

"An act for the protection of boarding house keepers."

"An act confirming certain leases of all the oil and salt springs on the Allegany Reservations, in the counties of Cattaraugus and Allegany, made by the Seneca nation of Indians, to Bradford R. Alden, of the city of New York."

"An act to dissolve the Antwerp company, organized in 1854, for manufacturing lumber at Antwerp, Jefferson county, New York, under the general law of 1848."

"An act to facilitate the acquisition of land for a junction gate-house, and to connect the same with the new reservoir and the city mains in the city of New York, and to provide for the settlement of claims for damages connected therewith."

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842."

"An act to amend an act to incorporate the Savings Bank of Utica."

"An act to authorize the New York Central and Oswego and Syracuse railroad companies to erect a station house in the village of Geddes, and to charge additional fare."

"An act authorizing the election of trustees and other officers of the village of Gloversville."

"An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester."

"An act to enable the board of education of the town of Yonkers, Westchester county, to dispose of school property, by sale or otherwise."

"An act requiring school district lines to be definitely described and recorded."

"An act to amend the charter of the Hope fire insurance company in the city of New York."

"An act to increase the compensation of assistant matrons of the Sing Sing female prison."

"An act to amend the Code of Procedure."

"An act authorizing the Brooklyn Central, and the Brooklyn and Jamaica railroad companies to consolidate and continue their roads."

"An act to amend an act to authorize the laying of a rail track in Broadway, and through certain other streets in the city of Brooklyn and New Lots, in the county of Kings,' passed April 17th, 1858."

"An act to authorize the laying of a double railroad track in the city of Brooklyn and county of Kings, and the town of Newtown, in the county of Queens."

"An act to revise the charter of the city of Oswego."

"An act making appropriations for certain expenses of Government for the year 1860."

"An act for ascertaining and collecting the damages caused by the destruction of the Marine hospital and other buildings at Quarantine."

Also, on the 17th instant, the bills bearing the following titles:

"An act to alter the map or plan of the city of New York."

"An act in relation to the Port Jackson and Union Falls Plank-road Association, in the towns of Peru and Schuyler Falls, in Clinton county."

"An act to amend section 5, chapter 174, laws of 1863, in relation to laying out private roads and discontinuing public highways."

"An act to amend title 8 of chapter 8, of part 3, of the Revised Statutes, entitled 'Of proceedings for the collection of demands against ships and vessels.'"

"An act to provide against unsafe buildings in the city of New York."

"An act to alter the Commissioners' map of the city of Brooklyn, and to provide for the widening and improving Third street, in said city."

"An act to establish fire limits, and for the more effectual prevention of fires in the Eastern district of the city of Brooklyn."

"An act to incorporate the Down Town Association in the city of New York."

"An act to incorporate the Hermitage Association, in the city of New York."

"An act to incorporate the Harlem stage and ferry company of the city of New York."

"An act to amend an act entitled 'An act to amend the charter of the Agricultural insurance company, and to authorize that company to change its place of business.'"

"An act in relation to the bank deposit and custodian of public moneys in New York."

"An act to form a separate road district of all that part of the city of Albany lying west of Allen street, and to exempt the same from certain taxes."

"An act to incorporate the New York City Library Association."

"An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842."

"An act to amend an act entitled 'An act to constitute the village of Green Island, in the county of Albany, a separate road district,' passed April 13, 1858."

"An act authorizing the town of West Farms to raise money to McAdamize a public road in said town."

"An act in relation to certain streets, avenues and roads in the city of Brooklyn."

"An act for the organization of the Highland Union Cemetery Association, near Buttermilk Falls, in Orange county."

"An act to amend chapter 435 of the laws of 1859, entitled 'An act for the relief of the Ausable plankroad company.'"

"An act to alter the map or plan of the city of New York."

"An act authorizing the refunding of certain moneys to Edward H. Edwards."

"An act to lay out a public park and a parade ground for the city of Brooklyn, and to alter the commissioners' map of said city."

"An act to divide the county of Allegany into two jury districts, and to provide for holding courts in and for said county alternately in each of said districts."

"An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages."

"An act to relieve the Tonawanda band of Seneca Indians from certain taxes on the Tonawanda Reservation, and to prevent intrusions thereon."

"An act to authorize the formation of a mutual insurance company in the towns of Rensselaerville and Westerlo, in the county of Albany, and the towns of Durham and Greenville, in the county of Greene."

"An act fixing the fees of justices of the peace in civil and criminal cases, and for other purposes."

"An act to provide the means to pay the interest on the debt created under section 3 of article 7 of the Constitution, for the enlargement and completion of the canals of this State, for the fiscal years commencing on the first day of October, 1859, and ending on the 30th day of September, 1861."

"An act relative to lands devised by John Tonnele, deceased."

"An act to incorporate the East Brooklyn savings bank, in the city of Brooklyn."

"An act to authorize the supervisors of the towns of Virgil, Lapeer and Harford, in the county of Cortland, to sell and convey certain lands and invest the sums received therefor for the support of common schools."

"An act to amend the act entitled 'An act to amend the act entitled An act to provide for the organization and government of the police force of the city of Albany,' passed March 10th, 1860."

"An act to incorporate the Steuben Monument Association."

"An act to constitute the village of North Watertown, in the county of Jefferson, a separate road district."

"An act to preserve the public peace and order on the first day of the week, commonly called Sunday."

"An act to amend the charter of the village of Brownville."

"An act to incorporate the New York Saddle-horse club."

"An act to authorize the board of supervisors of the county of Kings to build a court house for said county."

"An act to provide for a police court in the city of New York."

"An act to authorize the corporation of the city of New York

to sell certain lands to the United States, and ceding jurisdiction thereof."

"An act in relation to police and courts in the city of New York."

E. D. MORGAN.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bill:

"An act to amend an act entitled 'An act making appropriations for certain expenses of Government, for the year 1860,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Goss, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Blood	Goss	Ketcham	J. M. Murphy	Ramsey	
Colvin	Grant	Lapham	P. P. Murphy	Richmond	
Connolly	Hillhouse	McGraw	Prosser	Robertson	
Gardiner	Kelly				17

FOR THE NEGATIVE.

Bell	Truman	Warner			3
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

By unanimous consent, Mr. J. M. Murphy offered the following resolution:

Resolved, That the Clerk of the Senate, under the direction of the joint library committee of the Senate, is hereby directed to procure the publication of 1,500 copies of the Journal of the Legislative Council of New York, from the year 1691 to the year 1776, provided the whole expense shall not exceed \$3,500.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bell	Connolly	Goss	J. M. Murphy	Ramsey	
Blood	Gardiner	Grant	P. P. Murphy	Robertson	10

FOR THE NEGATIVE.

Hillhouse	Lapham	Prosser	Truman	Warner	
Ketcham	McGraw	Richmond			8

The Assembly returned the resolution extending the time of adjournment, with a message that they had concurred in the passage of the same, without amendment.

The Assembly returned the bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for city purposes, and to regulate the expenditure thereof," with a message that they had receded from their non-concurrence, and had concurred in the report of the conference committee on said bill.

On motion of Mr. Ketcham, the Senate took a recess until fifteen minutes to eleven o'clock.

FIFTEEN MINUTES TO ELEVEN O'CLOCK.

The Senate again met.

On motion of Mr. Goss,

Resolved, That a committee of two be appointed to wait upon His Excellency the Governor, and inform him that the Senate is ready to adjourn.

Ordered, That Messrs. Goss and Grant, be such committee.

On motion of Mr. Lapham,

Resolved, That a committee of two be appointed to wait upon the Assembly, and inform that body that the Senate are ready to adjourn.

Ordered, That Messrs. Lapham and Connolly, be such committee.

The Assembly returned the concurrent resolution in relation to purchasing copies of Street's Council of Revision, with a message that they had non-concurred in the passage of the same.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bills, without amendment:

"An act to create in the city and county of New York, the department of public charities and correction, and to abolish the alms house department therein."

"An act to authorize the purchase of flour, meal, &c., for the purpose of inserting the Pearsall Patent Tube therein, and the right to dispose of the same after said insertion."

Ordered, That the Clerk deliver said bills to the Governor.

Messrs. Miller and Varian, a committee from the Assembly, appeared and announced that the Assembly were ready to adjourn, and inquired if the Senate had any further communications to make to the Assembly.

Whereupon the President answered they had not.

Mr. Lapham, from the committee appointed to wait upon the Assembly, reported that they had performed the duty assigned them, and that the Speaker was pleased to say that they had no further communication to make.

Mr. Goss, from the committee appointed to wait upon His Excellency the Governor, reported that they had discharged that duty, and that the Governor was pleased to inform the Senate that he had no further message to communicate, and congratulated the Senate on the termination of its labors, and wished each and every Senator a safe, pleasant and speedy journey home.

The hour of eleven o'clock having arrived, the President rose and said:

Senators,—I return my most sincere and thankful acknowledgements for the expressions of kindness and approbation contained in the resolution you have passed relative to the manner in which I

have discharged the duties of presiding officer of this Senate. I have endeavored to discharge those duties fairly and impartially, and I am conscious that I owe much to your kindness and courtesy while occupying this chair.

The journals of the Senate afford abundant evidence that you have been vigilant and industrious in the discharge of your duties as Senators, and that many of the subjects presented for your consideration as legislators, have involved questions of great difficulty and embarrassment—particularly those relating to our State revenues, and the distribution of the burthens of government—and, although the provisions you have made for that purpose may not meet the public expectations—it could not be reasonably anticipated in the embarrassed situation of our State finances and the decreased amount of our canal and other revenues, that the taxes imposed by this Legislature for the support of government and to replenish the State treasury, could be so distributed by you as to meet the approval of all and yet be unjust to none of the great industrial, moneyed, commercial or other interests of the State.

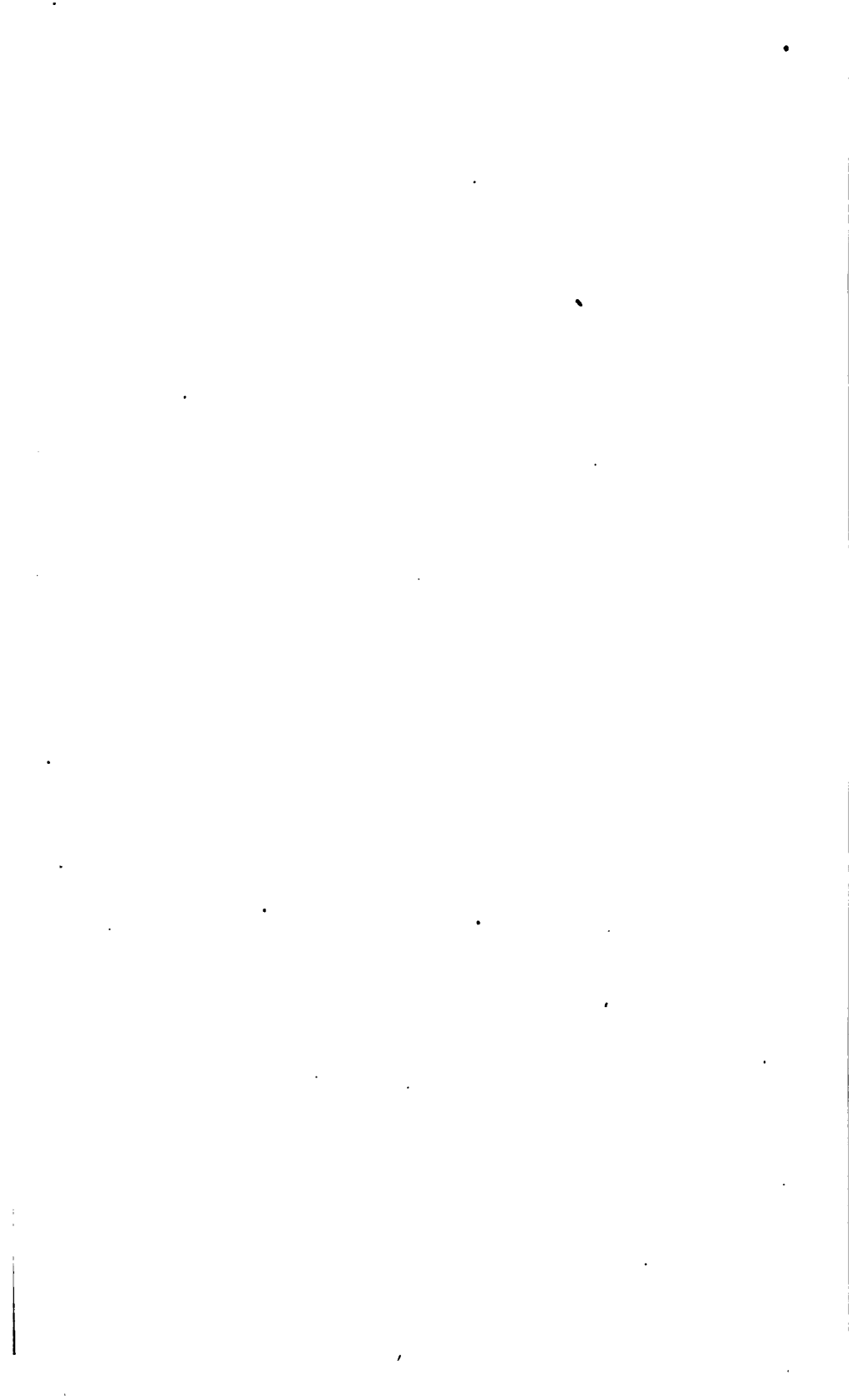
The laws of this session, when published, will show that a large portion of your time in this Senate chamber has been devoted to the consideration of bills of purely a local character, and of bills for the incorporating of companies and associations—the former of which could have been enacted into laws by local authorities to whom legislative powers have been given, and the latter could have been created under general laws—and it must be as evident to you from the great number of bills that remain upon your files unacted upon, that additional powers of legislation and administration must be conferred upon the local authorities of counties, or the ordinary session of the Legislature will not suffice to enable you properly to consider and enact such laws as may be necessary to protect the rights of persons and property, and develope and extend the resources of this great and prosperous State.

The period has arrived when associations as members of this body must terminate—with some of us the separation may be final—and in parting I beg you to be assured that I shall ever gratefully remember your kindness to me while occupying this chair, and I tender to each of you, and to every officer of the Senate, my best wishes for his future happiness and prosperity.

And now, in pursuance of the concurrent resolution of the Senate and Assembly, I pronounce this Senate adjourned, without day.

And then the Senate adjourned.

JAMES TERWILLIGER, *Clerk.*



INDEX

TO THE

JOURNAL OF THE SENATE.

A.

- Academy of music, in New York city. (See New York.)
 at New Paltz. (See New Paltz.)
- Adams, Alson, act for relief of, 502, 579, 626, 627, 641, 679, 731
- Adams, village of, act to provide for rebuilding bridge in, 895, 898
 900, 973
- Adamson, John, act for relief of, 670, 701, 710, 712, 743, 830
- Adjournments of Senate, resolutions in reference to, 6, 45, 69
 99, 143, 166, 231, 336
- of Legislature, concurrent resolutions relative to, ... 218
 256, 539, 822, 836, 918, 963, 970, 972
- do from April 20 to May 4, resolution for, 917
- Agricultural college, New York State, resolution to print re-
 port of, 193, 200
- petition of, for relief, 211
- act in relation to, 245, 278, 279, 303, 307, 642, 729
- and Horticultural purposes, act to amend act in rela-
 tion to, 640, 642, 648, 649, 682, 771, 831
- Insurance company, act to amend charter of, &c., ... 142
 159, 233, 237, 240, 840, 850, 975
- New York State, invitation from, to attend annual
 meeting, 186
- resolution to print Transactions of, .. 792, 823, 836, 860
- Society, Western New York, act to incorporate, 776, 802
 819, 872
- Albany city, common council, remonstrance of, against modifi-
 cation of law establishing compensation of supervi-
 sors of city and county of Albany, 264
- justices' court in, bill to amend act in relation to, ... 230
 260, 294, 510, 511, 517, 523
- National Bank in, act to reduce capital stock of, 177, 197
 271, 276, 341

Albany city, police in, acts to amend act for government and organization of,	171, 199, 262, 265, 268, 394, 399, 408
	671, 694, 731, 842, 846, 967, 976
Turnverein in, act to incorporate,...	777, 781, 818, 871
Young Men's Association in, bill to amend act to incorporate,.....	473, 754
petition for,	529, 562
remonstrances against,	489, 515, 607, 631
act to form separate road district of all that part of city lying west of Allen street,	445, 489, 557, 560, 564
	570, 964, 975
bill to annex part of, to town of Guilderland,...	187, 206
Albany county jail, act in relation to salary of keeper of,...	828, 834
	851, 921
landholders in, petitions for laws to protect them in rights of property. (See Landholders.)	
poor in, bill to provide for care, supervision, &c., ...	897
Supreme court in, bill to regulate place of holding terms of,	533, 537
treasurer of, act in relation to fees of,	186, 212, 284, 299
	341
Albany Evening Journal, act to legalize certain notices published in,	661, 673, 708, 730
Post road, act to McAdamise. (See Yonkers.)	
Schoharie and Rensselaerville plankroad, bill to authorise to erect toll gate on their road,...	705, 758, 778
	813, 845, 923
and Susquehanna railroad, petitions for aid to,	52, 56, 61
	66, 71, 74, 75, 80, 85, 86, 92, 93, 100, 101, 106, 107
	112, 118, 121, 127, 139, 144, 145, 151, 152, 158, 164
	169, 170, 175, 181, 196, 197
resolution for appointment of select committee on, ..	52
appointment of,	60
report of,	108
resolution to print report of,	111, 116
bill to facilitate construction of,...	108, 150, 155, 157, 200
	202, 718, 721, 948, 965
message from Governor vetoing,	948
and Troy, resolution relative to papers for steam ferry between,	155
bill to authorise John C. Bard to establish steam ferry between,	214
and Watervleit Turnpike company, bill to allow to construct railroad on,	177, 266
Albion plankroad, act to amend act in relation to toll gate on,	393
	438, 460, 471, 480, 542
village of, act authorising trustees of, to raise money by tax,	142, 160, 187, 192, 235
Alden, Bradford R., act to confirm leases to. (See Allegany.)	

Aldrich, George, act to legalise official acts of,	177, 273, 398, 416 472
Allegany and Cattaraugus reservations. (See Cattaraugus.)	
county, act to divide into two jury districts,...	470, 471 722, 837, 912, 976
remonstrances against,	507, 612
jail of, act in relation to,	191, 198, 216, 234
and Oil Spring reservations, act to confirm leases of, made by Seneca Nation of Indians to Bradford R.	
Alden,	479, 490, 609, 610, 613, 617, 965, 974
river bridge across, petition for,	306
report of committee on,	533
(See Carrollton.)	
Allis, C. W., and others, act for relief of, ..	503, 579, 593, 614, 731
Amenia Rural Cemetery, act to change name of,	706, 712, 745, 830
American Female Guardian Society, petition of, for relief,	236, 280 292, 343
Institute, Transactions of, resolution to print, ..	714, 771 823, 836, 860
Museum, bill to incorporate,	152, 239, 294, 460
Musical Fund Society, bill to incorporate,	414
prisoners in Wallabout bay. (See Wallabout.)	
Zoological and Botanical Society, act to incorporate, ..	347 357, 554, 564, 565, 757, 831
Ancram, town of. (See Copake.)	
Anderson, Graham K., appointed messenger for library,	45
Animals, domestic, act for encouragement of the improvement of,	502, 507, 522, 543
Anti-Slavery Convention, invitation from, to attend session, ...	167
Anti-Rent Law. (See laws of 1805, Landholders, and Revised Statutes, to amend relative to rent and demised premises.)	
Antwerp Liberal Literary Institute, petitions for relief of, ..	62, 75 79, 92, 121, 686
act for loaning certain monies to, &c., ..	63, 639, 717, 722 786, 852, 923
Lumber Manufacturing company, petition for dissolu- tion of,	100
act to dissolve, ...	102, 108, 114, 144, 147, 149, 221, 350 965, 974
Annsville, town of, act to annex to 4th school commissioner's district of Oneida county,	638, 654, 659, 660, 695, 829
Appropriations for Canal debt. (See Canals.)	
for paying interest on temporary loan, act for, ...	98, 102 126, 134, 179
for support of Government for fiscal year commencing October 1, 1860, act making, ..	663, 754, 762, 763, 764 765, 774, 798, 799, 835, 873, 926, 972
for certain expenses of Government for the year 1860, act making, ..	777, 840, 852, 863, 889, 896, 929, 965 975

Appropriations for payment of interest on loans made under the Constitution for completion of canals, act making,--	915
(See Canal debt.)	
for certain expenses of Government, act to amend act making, -----	977
Arboleda, Julia, petition of. (See Murray, Peter.)	
Argyle, village of, act to constitute separate road district, 331, 372	
528, 563, 586, 628	
Art Associations, act for incorporation of, &c., 651, 672, 685, 704	
735, 737, 742, 830	
Arts and sciences, bill for more effectual cultivation and encouragement of, -----	352, 390, 591
Assembly bills, resolution for evening session to consider,	841
committees from, -----	8, 978
message from, relative to election of President pro tem, -----	221. 243
message from, requesting return of bill to repeal act for relief western ten miles of Schoharie Turnpike Road Co., -----	492
message from, requesting return of bill to dissolve Antwerp Lumbering company, -----	350
message from, relative to South and West Street Railroad in New York, -----	909
resolutions from, relative to papers of S. P. Cunningham, -----	82
Brookfield Baptist Church, -----	161
Phineas P. Bates, -----	177
joint resolutions from. (See Joint Resolutions.)	
Assessment law, petition relative to, -----	80
report committee on, -----	129
Assignees, act in relation to debtors who convey for benefit of creditors. (See Creditors.)	
Assignments, voluntary. (See Revised Statutes, art. 3, chap. 5, title 1, part 2.)	
Association for relief of aged respectable indigent females, act to amend act incorporating,--	391, 557, 560, 564, 565
897, 922	
petition for, -----	338
for improving breed of horses. (See Horses.)	
Astoria, village of, act to amend act incorporating,--	124, 130, 218
222, 239, 854, 921	
Asylum for Idiots. (See Idiot Asylum.)	
Athenæum Association in New York, act to incorporate, 177, 199	
284, 299, 311, 341	
Atlantic Dock Company, act to amend act incorporating,--	556, 591
610, 612, 625, 729	
Atlantic and Great Western railroad, act to authorize sale of Erie and New York City railroad to, 651, 658, 677, 830	
Savings bank, act to incorporate,	639, 648, 653, 676
757, 869	

Attorney General, resolution requesting opinion of, as to constitutionality of act relative to supervisors of New York,	124
report of,	177
resolution requesting opinion of, as to the right of the Legislature to declare a stream not navigable for boats, a public highway, and as to liability of State for damages resulting from destruction of mill dam across west branch of Hudson river before the stream was declared navigable,	369
report of,	410
resolution requesting opinion of, as to liability of State to pay damages to individuals whose property has been injured in consequence of raising embankments for bridges of enlarged canal,	370
report of,	409
resolution to print report of, made to Assembly, relative to constitutionality of law repealing act imposing tolls on railroads,	641, 655
Attorney General's office, bill to amend Revised Statutes relative to,	230, 447, 467
Auburn, city of, act to authorise to make a loan to aid in construction of railroad from Sodus Bay to Homer, ..	556, 761, 773
	785, 839, 845, 924
Auctions, bill to prevent frauds in sale of goods at, ..	374, 392, 629
	638, 645
Auditor Canal Department, resolution to print report of, ..	69, 74
bill in relation to,	72, 76
resolution requiring, to present amount tolls received on Champlain canal and Glens Falls feeder,	119
reply of,	147
resolution to print report of, on tolls and tonnage of canals,	838, 883
Auditors, town. (See Town Auditors.)	
Aurora road district, bill to change time of election of overseer of,	223, 440
Ausable plankroad, act to amend an act for relief of, ..	413, 431, 505
	609, 610, 613, 621, 965, 976
Avon, village of, act to legalize election of trustees of, ..	401, 517
	574, 579, 597, 628

B.

Babcock, Caleb S., resolution to appoint, second assistant sergeant-at-arms,	48, 55, 60
Babylon Insurance company, bill to incorporate,	491
Baled hay and hay scales. (See Hay and Hay Scales.)	
Baker, W. W., petition of. (See Pierce, Horace.)	
Bank of America, communication from,	95
Bank notes, bill in relation to engraving of,	323, 833

Bank note engraving, petitions against monopoly in,....	506,	523
report of committee on,		833
resolution to print report,		833
Bank Superintendent, resolution to print report of,	55,	62
resolution to print report of, on Savings Banks, ..	278,	296
Bankers, bill to make better provision for punishment of, in- trusted with property,	403, 431, 552, 564,	565
Banking corporations, bill to amend act to enforce responsibility of,		131
Baptist church in Brookfield. (See Brookfield.) in Friendship. (See Friendship.)		
Barr, Margaret H., act in relation to lands held in trust for use and benefit of,	802, 826, 842, 886,	923
Bard, John C., bill to authorize to establish ferry between Al- bany and Troy, &c.,	155,	214
Bastardy, bill to provide for codification of laws of,	188,	575
Batavia Union Savings bank, act to incorporate, 580, 642, 673,		771
remonstrance against,		831
Bates, Phineas P., act for relief of heirs of, ...	670, 701, 710,	711
resolution from Assembly relative to papers of,	742,	831
Bath, school in, bill relative to, district No. 5,	153,	381
Bath, village of, act to amend charter of, ..	131, 132, 160, 224,	237
241, 261, 273, 275, 840,		870
Baxter, Asa, petition of heirs of, for relief,		51
bill for,	244, 350, 355,	358
Bayley, Joseph, act for relief of, 274, 391, 557, 558, 564, 569,		966
Beebe, Perry Ogilvie, petition of, for cultivation of American law,		257
Beechwood Fair and Cattle Market, bill to charter,	775,	842
Benedict, Lewis, petition of, for relief,		39
act for,	219, 327, 329, 334, 873, 897,	924
Benevolent and other societies, bill to allow to vote by proxy. (See Societies.)		
Benson, town of, act to erect, ...	485, 557, 559, 581, 582, 708,	730
Bennewater Swamp, bill for relief of commissioners appointed to drain,	344, 407, 573,	580
petitions for,	286, 355,	584
Bergen Point Ferry Co., act to amend act incorporating, ...	142,	152
229, 350, 358, 360, 801,		869
Berry, Nehemiah, and Maria Hun, bill for relief of, ..	807, 834,	842
883,		922
Bethlehem, bill to annex part of town of, to Albany city, 187,		206
Billinghamurst, Henry C., and Wm. C. Rowley, act authorizing to apply to surrogate of Monroe county to sell lands of, S. Mar- vin Hughes, deceased,	89, 130, 168, 184,	189
Bills of exchange, &c., bill to amend act to designate holidays to be observed in payment of, ..	48, 53, 71, 91, 97, 101, 103,	190

Binghamton Water Works, act to amend act incorporating,	142,	160
	227, 233, 248,	283
Birds, acts for preservation of,...	214, 251, 262, 273, 275, 279,	292
	665, 709, 730, 822, 826, 880, 897,	923
Bishop's work on Highways and Bridges, resolution that Secretary of State furnish,	539,	705
Blackwell, Josiah, petition of,	47,	72
bill for relief of,	259, 428, 429, 436, 443,	581
resolution relative to papers of,	163	
Black lake, bill for preservation of fish in,	502	
Black River canal, petitions for completion of,	121, 128, 145,	151
Black river, bill to revive and extend act respecting appropriation of waters of,	380, 381,	642
petitions for,	380,	469
act to amend act to authorize commissioners of highways to build bridge over, in Watertown,	499, 531,	548
	808,	870
Black River and Utica Railroad, act for the relief of the holders of the mortgage bonds of,	556, 562, 574, 578, 589,	628
Blaisdell, Jacob, act relative to premises conveyed to. (See Keeseville.)		
Blodgett's Pond, bill for preservation of fish in,	502,	715
B'Nai Jeshurun, congregation of. (See New York.)		
Boarding-house keepers, act for protection of,	374, 446, 574,	581
	587, 965,	974
Boards of Health, petition for repeal of law giving certain powers to,	127	
Boreel, Eliza D., bill to enable to hold real estate,	37, 54, 86,	111
	193,	194
Boreel, Sarah A., act for relief of infant children of,	122, 176,	193
	194, 206,	235
Borthwick, Harvey, act for relief of,	665, 760, 907, 908,	909
	911,	972
Boughton, Seneca, petition of, for canal damages,	151,	579
Bowen, Ira, appointed librarian,	45	
Bowman, Geo., bill to grant certain lands under water to,	776,	842
	884	
Bradford, town of, bill to annex part town of Orange to,	856	
Brady, James B., petition of for relief,	157,	392
Branch Pond, road from. (See Roads.)		
Bridge in Adams village. (See Adams.)		
across Allegany river in Carrollton. (See Carrollton.)		
across Black river. (See Black river.)		
at Cohoes. (See Cohoes.)		
across Croton river. (See Croton river.)		
over Esopus creek. (See Esopus creek.)		
in Greene, town of. (See Greene.)		
across Great Sodus bay. (See Sodus bay.)		
across James creek. (See James creek.)		

- Bridge across Mohawk river. (See Fort Plain and Palatine Free Bridge Association.)
 at Northampton. (See Northampton.)
 across Oswego river and canal. (See Oswego.)
 across Sparkill. (See Sparkill.)
- Brookfield Sabbatarian Baptist Church, resolution from Assembly relative to petition of, 161
- Brookhaven, petitions of electors of, for law authorizing electors of, to elect collector in each election district, - 390, 412
 bill authorizing, 396, 434
- Brooklyn, city of, assessments for local improvements in, act to amend act in relation to, - 7, 304, 323, 329, 467. 887
 963, 974
 assessments in. (See Kings county.)
- Assessments in, act in relation to collection, payment and application of certain, 351, 358, 364, 495, 507, 542
- Atlantic avenue in, act to provide for widening and establishing public drive and promenade on, - 331, 391
 405, 407, 425, 542
- remonstrances against, 343, 354, 412
- Bushwick avenue in, act to widen and improve and alter commissioners map, 706, 780, 784, 815, 877, 923
- city court, petition of supervisors of Kings county for abolition of, 40
- commissioner's map of, acts to alter, - 400, 431, 485, 489
 519, 543, 638, 661, 773, 796, 932, 975
- commissioner's to lay out streets in, &c., act supplementary to an act authorizing appointment of, 227, 448
 557, 560, 566
- common council, remonstrance of, against a railroad grant to Ira Buckman, Jr., 686
- ferriage between and New York. (See New York.)
- fire limits, act to establish, in eastern district of, 855, 929
 975
- Flatbush avenue in, act relative to grading, - 38, 123, 634
 673, 675, 971
- Fourth avenue in, act to provide for widening and to establish public drive and promenade on, - 741, 773
 797, 872
- Industrial school, petition of officers of, for relief, - 489
- lands under water in front of, bill in relation to, 247, 252
 322, 406, 407, 530, 532
- market in, bills to authorize city of, to acquire title to land for, 323, 331, 489
- remonstrances against, 324, 390, 411, 437, 448
- petition for, 372
- Medical and Surgical Institute, act to incorporate, - 640
 654, 693, 739, 759, 798, 921
- Methodist Episcopal churches in, act to authorize to sell certain lands, 826, 915, 924, 973

Brooklyn, city of, Orphan Asylum for German children, notice bill to incorporate,	48
Paca avenue in. (See Kings county.) .	
parks and parade ground, act to lay out ground for, and to alter commissioner's map of, 663, 723, 970,	976
police, notice of bill to reorganize department of, ---	7
railroad track in Broadway and certain other streets in, and New Lots, act to amend act to authorize laying of,	777, 781, 795, 846, 975
railroad in, and in the town of Newtown, act to au- thorize laying of, --- 501, 579, 612, 682, 698, 770,	976
registration of births, marriages and deaths, notice of bill for,	274
sewerage and drainage in, act to amend act in relation to,	671, 781, 913, 973
steam boilers in, act to provide for inspection of, 671, 700 744,	800
streets, avenues and roads, act in relation to certain, 850, 902, 964,	975
St. Ann's church in, petition of rector and vestrymen for power to sell land in Fulton street,	343
act to authorize sale of burial ground of, .. 431, 499,	515
534, 537, 738,	829
St. Felix street in, act to alter commissioner's map of Brooklyn, by continuing,	827, 849
University in, notice of bill to charter,	7
wards in, bill to create new, 201, 489, 572, 573,	628
petitions for,	258
remonstrance against, and against dividing 11th ward,	476
water, bill to amend act for supply of,	44, 185
283, 341, 344, 346, 349, 350, 507, 517, 536, 540,	544
548,	549
petitions for, 81. 128, 158, 175, 244, 280, 338,	469
remonstrances against,	128, 159, 181
water commissioners' notice of, bill to amend law es- tablishing,	7
wharfage, petition to regulate rates of, &c. (See New York.)	
York street in, act extending, --- 186, 296, 410, 411,	738
762, 791, 852,	921
Young Men's Christian Association, act to incorporate Gymnasium of, 455, 470, 529, 530, 534, 535, 806,	870
and Williamsburgh, acts to amend act consolidating cities of, 7, 41, 67, 84, 87, 90, 483, 490, 514, 896,	915
925,	973
Central and Brooklyn, and Jamaica Railroad compa- nies, act authorizing to consolidate, 556, 702, 723,	761
821, 861,	974
Brownville, petition from, relative to fisheries,	37, 39

Brownville, village of, petition of trustees for law to extend corporate limits of,.....	608
act to amend charter of,....	613, 624, 634, 638, 971, 976
Bryant, Wm. C., and others, resolution to appoint as commissioners to examine into prison discipline of this State,...	782, 836
Bucktooth, town of, act to assess certain lands in, to build bridge across Allegany river,.....	670, 696, 743, 759, 793, 921
Buffalo Agricultural and Industrial Association, act to incorporate,.....	580, 629, 647, 649, 679, 872
Buffalo and Allegany Valley railroad, act permitting to extend their road,.....	777
Buffalo, bar of, petition of for law library,.....	101
and Batavia Plankroad company, act giving to purchasers of franchises all of the corporate rights of said company,.....	410, 438, 574, 588, 633, 729
Bradford and Pittsburgh railroad, act to extend time for completion of,.....	63, 147, 180, 227, 232, 283
Breakwater in, along shore of Lake Erie, act authorising repairing and maintaining of,...	373, 412, 470, 473
	480, 542
common council of, act to authorise, to apply certain moneys to build bridge over Peacock slip,...	221, 259
	284, 285, 301, 341
and Erie railroad, bill to regulate fare on,...	142, 148, 185
petitions for,.....	175, 293
Firemen's Benevolent Association, act to amend act to incorporate,.....	671, 700, 710, 713, 746, 830
Law Library in, bill to establish,	44
Lying-in-Hospital, petition of, for aid,	219
railways in streets of, act relating to,...	401, 437, 470, 471
	488, 514, 515, 538, 608, 729
St. Mary's church of Redemptorist, act to release land held by Gabriel Rumpfer to,...	312, 314, 353, 383, 472
taxes in, act to amend act for better collection of county taxes in, &c.,....	533, 548, 609, 612, 624, 625
	926, 973
Buildings, act relative to rights and liabilities of owners and lessees of, 88, 96, 228, 295, 403, 418, 426, 858, 860, 920	
bill for protection of insecure, and defining liabilities of owners and builders of,	533
Burhans, Everett C., appointed page,.....	45
Burr, C. A., bill for relief of,	863, 909, 913, 972
Butler, Sarah M., petition of, for change of name,.....	250
Butterfield, Carlos, joint resolutions relative to contract of, with Mexico,.....	668, 824
Butts, Salmon, petition of, for canal damages,.....	37, 579
bill for relief of,.....	40, 41

C.

Caledonia, fix boundary line of. (See Wheatland.)	
Cameron, Daniel, act for relief of, 177, 449, 627, 645, 656, 675, 924	

Campbell, Hon. Robert, resolution of thanks to, as President of the Senate,.....	909
Canal appraisers, petition for appointment of, in each county of the State,.....	122
bill for,.....	315, 400, 653
annual report of,.....	229
resolution to print,.....	249, 251
awards of, bill to pay interest on,.....	304, 315
Canal Auditor. (See Auditor Canal Department.)	
awards, interest on. (See Canal Drafts.)	
Canal, Black River. (See Black River canal.)	
bridge at Cohoes. (See Cohoes.)	
bridge at Volney. (See Volney.)	
Champlain. (See Champlain canal.)	
Chenango. (See Chenango canal.)	
Canals, completion of, act to provide means for, and fully supply with water, ..	44, 68, 108, 144, 150, 155, 157, 163
166, 193, 194, 207, 213, 222, 225, 237, 242, 254, 255	
260, 309, 317, 318, 320, 325, 326, 360, 361, 387, 388	
688, 697, 718, 720, 721, 829	
Commissioners, resolution to print report of,....	172, 186
to pay for bridge at Volney. (See Volney.)	
damages, petition for law for more speedy appraisal of,	127
debt, act making appropriations for, ..	72, 76, 86, 120, 122
124, 389, 408	
act to provide means to pay interest on, for enlargement and completion of canals,	915, 954, 961, 971, 976
Department, bill in relation to Auditor of,.....	72, 76
drafts, certificates and awards, act to pay interest on,	510
517, 552, 555, 629, 770, 837, 851, 855, 902, 664, 976	
Erie. (See Erie canal.)	
locks, motions to strike out from canal bill,....	195, 387
locks, bill to provide for lengthening on Erie and Oswego, without cost to the State,....	759, 772, 805, 954
navigation of, bill concerning, ..	72, 77
Oneida Lake. (See Oneida Lake canal.)	
surplus water at Lockport. (See Lockport.)	
tolls, bill in relation to,.....	44, 48
Canastota, Smith Lyceum at. (See Smith Lyceum.)	
Canisteo, county of, bill to erect, 187, 390, 460, 471, 488, 493,	556
Capital punishment, act to abolish, and to provide for more certain punishment of crime of murder, 688, 720, 722,	805
838, 839, 875, 897, 924	
petitions for, 174, 197, 204, 313, 399, 436, 448, 456,	471
721, 722, 754, 778, 841	
Capitation tax. (See New York ship owners.)	
Carmansville Bridge company, act to incorporate, ..	706, 757, 791
Carpenter, D. B., act to allow, to build draw bridge over James creek,.....	60, 116, 167, 184, 188, 771, 831
Cary, Robert C., appointed page,	45

Carthage, petition for weigh lock at,.....	145
Carrolton, town of, act to assess lands in, to build bridge across Allegany river,.....	670, 696, 743, 759, 793, 921
Castleton, town of, act to make separate road districts of first and second election districts,.....	664, 815, 845, 877, 924
Catharine, town of, petitions to divide,.....	140, 144, 170
act to divide,....	142, 147, 159, 227, 237, 247, 330, 341
Catskill, taxes in, bill to extend time for collection of,....	266, 306
	540
village of, act to amend charter,....	7, 102, 164, 270, 307
	309, 399, 472
and Mountain House Turnpike company, act to amend charter of,...	102, 187, 259, 398, 400, 416, 926
	974
Cattaraugus and Allegany reservations, act to provide for man- ner of holding elections on,....	541, 559, 596, 598, 610
	801, 868
bill to repeal certain sections of acts heretofore passed relating to allotments of land among Indians on,...	565
	658, 661, 673, 681, 851
petition for,	562
Cattaraugus county Poor House and Farm, act authorising su- pervisors to sell,.....	739, 756, 788, 869
Cattle, bill to amend Revised Statutes relative to, running at large,.....	340, 373, 557, 560, 564, 569
Cayuga Lake, ferry across, act authorising John Nostrant to es- tablish,.....	43, 59, 63, 84, 87, 90, 190, 203, 235
Cayuga marshes, bill for completion of draining of,....	607, 761
Cemetery associations, act to amend act authorizing incorpora- tion of rural,	171, 315, 330, 405, 436, 443, 669, 684, 729
Cemeteries, notice of bill incorporating country,	108
Census of the State, resolution to print five copies of, for each Senator and officer,	822, 917
Central Park. (See New York.)	
Champlain canal, petitions for improvement, and to increase capacity of,	100, 107, 113, 127, 169, 170, 243, 265
bill to amend act for construction of culvert under, at Stillwater,	807, 818
resolution that Auditor present present amount of tolls received on,	118
report relative to,	147
Champlain Valley, petition for improvement of,	113
Charleston Congregational Society in Lima, act to legalize cer- tain doings of,	98, 101, 143, 148, 179
Chautauqua county, Bar of, remonstrance against repeal of law abolishing office of special county judge and sur- rogate,	244
commissioners of excise, bill to abolish,....	414, 438, 592
	593, 613, 616, 971

Chautauqua County penitentiary, bill authorizing supervisors to create a loan for erection of,	613
supervisors petition of, for repeal of law creating office of special county judge and surrogate,	81
petition of, for repeal of law increasing fees for printing legal notices,	81
lake, act confirming rights of assignees of Philip A. Strong to ferry across, ... 470, 474, 592, 593, 596,	628
Chateaugay Four Corners Hook and Ladder Co., act to incorporate, 53, 58, 63, 78, 81, 83, 296, 308,	341
petition for,	51
Chateaugay, town of, notice of bill in relation to town meeting in,	7
act to amend act dividing, into two election districts, 652	
660, 694,	871
petition of citizens for appointment of commissioners of deeds in,	61
petition of citizens of, for amendment of chap. 219, Laws of 1859,	61
Chattel mortgages, bill to punish fraudulent sale or concealment of property under, 414, 449, 592, 594, 596,	597
Chenango canal, bill for extension of,	7, 47
report of State Engineer and Surveyor, relative to survey of,	52
resolution to print,	54, 57
petitions for extension of, .. 7, 47, 51, 57, 61, 65, 66,	70
71, 74, 75, 79, 80, 81, 85, 86, 92, 93, 100, 106,	107
112, 121, 127, 139, 144, 157, 158,	164
report of committee on,	108
amended canal bill in relation to extension of, .. 193,	222
225, 237, 242, 254, 255, 260, 310, 317, 318, 320,	325
326, 360, 361, 387, 388, 688, 697, 718, 720,	721
Chenango County Savings bank, act to incorporate, ... 162, 176,	270
283, 295, 302, 462,	472
Cherry Valley, village of, petition of trustees for amendment of charter of,	101
act to consolidate and amend act incorporating, .. 102,	184
270, 295, 297, 669,	729
act in relation to election of officers of,	760
Cherry Valley, and Spraker's Horse Railroad company, act to incorporate,	709, 717, 727, 831
Children, Orphan and Destitute, act for further relief of, .. 102,	108
114, 163, 166, 184,	202
Children, bill to provide for disposition and custody of minor,	378
	447
Christiance, Philip Jr., petition for relief of,	305
bill for relief of,	399, 629, 638, 641
Cicero, act to amend law in relation to draining certain lands in,	153
164, 235, 237, 241, 771,	831

Citizens' Savings Bank in New York, act to incorporate,--	48, 64
	165, 256, 282, 296, 302, 692, 730
Civil lists, resolutions directing Clerk to furnish to Senators, &c., -----	6, 38, 503, 539
Claims to real property, act to provide for determination of,--	141
	176, 327, 342, 392, 555, 569, 730
Claims, State board of, bill to provide for,-----	187, 374, 498, 529
Clark, James C., elected sergeant-at-arms, -----	4
Clarkson High School, act to amend act incorporating,--	87, 94, 111
	199, 209, 214, 285
Clergymen of Protestant Episcopal Church. (See Protestant.)	
Clerk of Senate, James Terwilliger elected,-----	4
to invite clergymen to open sessions of Senate with prayer,-----	6
to pay postage on documents and papers,-----	6
to furnish copies of civil list, -----	6, 38, 503, 539
to furnish Red Books to Senators, &c., 39, 46, 216, 226, -----	249
to furnish Red Books to pages,-----	269
to procure diagrams,-----	45, 104, 590
to request treasurers of cities and counties to report cost of last election,-----	55
to furnish Revised Statutes,-----	69, 282
to procure New York State Map and Gazetteer,-----	73
to furnish pages with stationery, -----	124, 129
to purchase Code of Procedure,-----	125
to procure glass shades for gas fixtures, and Walsh's improved gas burners,-----	473
to notify excise commissioners of Kings and Rensselaer counties to report amount of money received,--	488
to furnish Colonial History,-----	528, 589, 613
to furnish Civil List to pages,-----	539
to cause desks to be altered, &c.,-----	832, 838
to purchase "Street's Council of Revision,"-----	883, 917
	962, 968
resolution of thanks to,-----	917
Cleveland, village of, petition of citizens of, for amendment of charter, -----	112
act to amend act to incorporate,--	671, 700, 711, 713
	724, 829
Clinton Prison, bill to enlarge,-----	53, 88
Clyde, village of, act to change time of holding charter election,-----	439
	448, 462, 463, 708, 730
Coast Wrecking company, act to incorporate,--	40, 45, 198, 271, 273
	278, 926, 973
petition for, -----	170
Cochecton Bridge company, act to amend act incorporating,--	38
	76, 258, 397, 400, 416, 855, 921
petition for, -----	51
Code, Political, report of commissioners on,-----	777
Code of Procedure, bill to amend section 30 of, ---	40, 64, 82, 97

Code of Procedure, bill to amend section 304 of,	123,	165
petitions to amend,	61,	280
Clerk to furnish copies of, for Senate Library,		125
bill to amend section 135 of,		177, 701
act to amend section 53 of, and to extend jurisdiction of justice's courts,	331, 339, 554, 569,	628
act to amend,	701, 712, 880, 964,	974
Cohoes, village of, bill to amend act for supply of water in, ...		165
petitions for,	197, 229, 293,	380
remonstrances against,		272
Cohoes, act to build bridge over Erie canal at, ..	220, 477, 500,	505
	523,	627
Cole, A. N., appointed deputy clerk,		45
College of Physicians and Surgeons in New York. (See New York city.)		
College, St. Stephen's, to incorporate. (See St. Stephen's Col- lege.)		
Colonial History, resolution that Clerk furnish to each Senator, officer, &c., one set of,	528, 589,	613
act in relation to,	802, 835, 841, 881,	964
communication from Regents of University relative to, ..		613
Colton, Clinton L., John W. Conley, and Timothy Cook, peti- tion of, for relief,		313
bill for relief of,	399, 486, 504, 508,	519
Columbia College, act to authorize trustees of, to hold real estate,	123, 128, 254, 282,	341
Columbia College, Law School of, act in relation to, ..	671, 701,	708
		731
Colvin, Senator, resolution to associate with clerk in relation to alteration of Senate desks, &c.,		838
Commercial paper, bill to amend act in relation to, ..	77, 130, 168,	179
Commissioners of Deeds, bill to make office of, elective,		82
Commissioners of Emigration, bill concerning, and the Marine Hospital,	187, 314, 390, 445, 456,	459
resolution requiring, to report to Senate loss to State by destruction of Quarantine,		193
reply of,		265
annual report of,		213
Commissioners of Excise of Kings and Rensselaer, resolution requiring, to report to Senate, amount of excise money received,		488
reply of Rensselaer commissioners,		685
of New York, resolution for appointment of a select committee to investigate affairs of, &c. (See New York city.)		
act requiring, to report to boards of supervisors, ..	698, 725	725
	800,	869
Commissioners of Land Office, resolution requesting, to furnish Senate any information they may have relative to claim of Gertrude C. Doe,		631

Commissioners of Land Office, notice of bill authorizing, to sell certain lands in New York city,	171
Commissioner of Lunacy, petition for law to create,	93
bill to create,	339
Commissioners of Quarantine. (See Quarantine.)	
Commissioners of Record. (See New York city.)	
Commissioners to ascertain boundary line between New York and Connecticut, report of,	84
resolution to print report of,	90, 94, 119, 122
Committees to wait upon the Governor,	5, 978
on Assembly,	6, 222, 978
Committees, standing, appointment of,	49
select, on pro rata freight law,	39, 45, 50
select, on rules,	54, 60
select, on petitions for aid to Albany and Susque- hanna railroad,	52, 60
report of,	108
select, on petitions to amend law to equalize State tax,	120, 126
on printing, to report amount paid for printing,	142
on public expenditures, to report amount paid for official stationery,	143
report of,	563
select, to investigate proceedings of New York excise commissioners,	252, 261, 485
on engrossed bills, resolution that President appoint two additional members of,	310, 335
select, to report bills proper to be referred to report complete,	531, 549
select, to examine affairs, &c., of New York Central Park,	898, 925
of the whole, resolutions relative to bills in,	151
Common councils, act relative to attendance of witnesses before. (See Witnesses.)	
Companies to navigate lakes and rivers. (See Lakes.)	
Comptroller, resolution to print report of,	55, 62
act authorizing to hold in trust Tonawanda Indian reservation,	108, 185, 327, 329, 334
926, 973	
to report amount paid for removal of Quarantine, ...	155
report of,	253
to furnish net revenue of Onondaga salt springs from 1797 to 1860,	217
report of,	428
to report amount paid for publishing State canvass, ..	340
report of,	428
Conhocton, county of, bill to erect, ...	412, 510, 512, 517, 523, 708
956, 961	
Conkling, Gurdon, petition of, for relief,	127

Conkling, Gurdon, report of committee on,	296
resolution relative to,	311
Conley, John W. (See Colton, Clinton L.)	
Connecticut, act to settle boundary line between, and New York,	209
245, 319, 323, 324, 653,	729
Connolly, Mr., report of, on railroad toll bill,	200, 369
Conqueror Hook and Ladder company at Tarrytown. act to in-	
corporate,	639, 643, 673, 830
Constables, in New York city. (See New York city.)	
in Westchester county. (See Westchester county.)	
town auditors, to audit accounts of. (See Town auditors.)	
Constitution, resolutions to amend, relative to judiciary, ...	41, 104
183, 340, 385,	630
petitions for amendment of, relative to judiciary, ..	85, 107
112, 113, 120, 121, 128, 139, 152, 157, 158, 164,	169
174, 181, 182, 197, 243, 244, 250, 263, 280,	354
remonstrances against,	219, 244, 264
petitions to amend, so that Legislature have power to	
pass prohibitory liquor law,	71, 86, 100, 257, 715
resolutions to amend, so as to abolish property quali-	
fication,	230, 468
resolutions to amend, so as to prohibit sale of intoxi-	
cating liquors as a beverage,	715, 825
petitions for,	79, 92, 100, 112
report of committee on,	715
resolution to print,	737, 773
act to perfect amendment of, abolishing property	
qualification of people of color, 655, 656, 661, 717,	737
855,	921
Continental Congress. (See Revolutionary Army.)	
Contracting Board, act to repeal certain sections of law enlarg-	
ing powers of, &c.,	312, 329, 407, 441, 541
Cook, F. A., petition of. (See Pierce, Charles J.)	
Cook, Timothy, petition of. (See Colton, Clinton L.)	
Copake and Ancram, act to alter line between towns of, ..	501, 507
522,	543
Copartnership names, bill to amend act allowing continued use	
of,	221, 273, 337, 572
Corn Exchange Warehousing company, act to incorporate, 395,	438
455, 459, 461, 464, 471, 500, 540, 580, 590,	600
Corning, police justice of, act to authorize appeals from judg-	
ments rendered by,	312, 314, 405, 423, 472
petition for additional power in,	70
Corning Savings bank, petition for,	61
act to incorporate, 339, 404, 405, 436, 443, 633, 653,	730
Corning, village of, act to amend act incorporating, ..	212, 341, 344
348	
Corporations, manufacturing, mining and mechanical, acts to	
amend act for formation of, ..	83, 88, 102, 150, 154, 548
558, 609, 611, 613, 626, 801,	869

Corporations, municipal, bill to relieve from giving security for costs on appeal,	230, 413, 557, 558, 564,	570
act to amend act to facilitate collection of debts against,	706, 712, 738, 756, 790, 852,	924
Cortlandt, town of, act in relation to school district No. 7 in, ...	664	
	672, 685, 704, 732,	829
commissioners of highways of, to purchase part of Peekskill Turnpike company. (See Peekskill.)		
Costs, bill to amend Revised Statutes in relation to, ...	87, 182,	209
petition for law requiring plaintiffs in suits to give security for,		293
County clerks, act to authorize, to enter satisfaction of judgment in certain cases,	88, 94, 105, 110,	146
act to amend Revised Statutes in respect to,	664,	701
	738, 756, 790,	869
County courts, relative to attendance of jurors at, ...	123, 120,	168
	184,	188
County judges, to amend Revised Statutes in relation to powers in cases of appeal to courts of sessions, ...	337, 339, 407, 419,	424
County treasurers, bill to provide for payment of fines to, collected by courts of special sessions,	274, 281, 306,	653
Court of appeals, act in relation to preferred causes in, 52, 54,	160	
	311, 314, 316, 669, 684,	730
Courts, county. (See County courts.)		
Courts in Fifth Judicial district, act relative to, 131, 132, 141,	146	
	149, 156,	179
Courts in New York. (See New York city.)		
Courts of Oyer and Terminer, bill to enlarge powers of, and to establish board of pardon,	88, 95, 265,	294
Courts of Sessions, relative to attendance of jurors at, 123, 130,	168	
	184,	188
to enlarge powers of,	294, 528, 529, 534,	535
to transfer proceedings of, to Oyer and terminer, 165,	294	
	403, 418,	420
Courts of Special Sessions, act conferring additional powers on, 44		
	54, 71, 91, 111, 120, 125, 131, 133, 335,	341
bill to provide for payment to county treasurers of fines collected by,	274, 281, 306,	653
Court, Supreme, in Albany county. (See Albany county.)		
Crawford, Arabella, petition of,		43
act releasing escheated lands to,	43, 54, 82, 97,	104
	708,	730
Creditors, act to secure a just division of estates of debtors who convey to assignees for benefit of, 72, 81, 105, 147,	178	
	180, 200, 206, 808, 826, 850,	920
bill to secure to, against division of estates of debtors,	178	
	447	
Crimes, in relation to punishment of, and concerning prisoners confined in State Prisons,	265, 286, 311, 314,	316
Crooked Lake, act for preservation of fish in, 159, 223, 224, 278,	341	

Croton Aqueduct, act providing for assessment of amount to be paid to, for water at Sing Sing Prison,---	53, 246, 350
	381, 396, 429, 460, 498, 529, 544, 548, 550, 560
	599
petition of, for payment of water furnished to Sing Sing Prison,-----	197
Croton River, petition for a bridge across, -----	145
act to authorize construction of,--	148, 176, 228, 229, 233
	801, 869
Cunningham, S. P., resolution from Assembly, relative to papers of,-----	82

D.

Daggett, Hollis, bill to authorize payment of claim of,-----	478
Dakins, S. A., resolution relative to papers of,-----	216
Danforth, Thos. P., remonstrance of, against repealing law relative to Schoharie turnpike road, -----	164
Dansville, village of, petition for amendment of charter of,---	469
act to amend act incorporating, 410, 450, 469, 477, 492	543
Deaf and Dumb Asylum, resolution to print report of,---	346, 364
Debt, State, (see State debt, and interest on debt.)	
Debtors, act to secure to creditors just division of estates of. (See creditors.)	
insolvent. (See insolvent debtors.)	
Deer, acts for preservation of, 214, 252, 262, 273, 275, 279, 292	
	665, 709, 730, 822, 826, 880, 897, 923
petition for preservation of, in Cohecton, -----	352
report of committee on, -----	434
Delano, A. S., James Sleeper, and H. D. Spaulding, petition of for relief,-----	251
bill for relief of,-----	373, 554, 573, 580, 585, 636
Delavan, Jas. H., petition of, for relief,-----	354
Delaware county, act to expedite canvass in first Assembly district of,-----	117, 146
Delaware plank road, to regulate tolls on,-----	934
Delaware and Susquehanna plank road company, petition of directors of for relief, -----	250
bill to confirm certain assessments made by directors of, -----	259, 285, 295, 299, 800, 853
message from Governor vetoing, -----	853
Delhi, village of, fire department in, act to organize, 393, 450, 558	
	564, 588, 628
Dental college in New York, petition for act to incorporate, --	140
remonstrances against, -----	263, 264 280, 322
bill to incorporate,-----	142, 170, 256
Deposit, village of, act relative to,---	639, 700, 710, 713, 748, 829
Deputy clerks, appointment of, -----	45
to have laws, journal, and documents, -----	932
Diagrams, resolutions to furnish,-----	45, 104, 590

Diamond reef, bill to protect contractor engaged in removal of,	532
Dime Savings Bank at Jamaica. (See Jamaica.)	
District attorneys, act in relation to, .	220, 295, 674, 575, 586, 628
Division fences, act to amend Revised Statutes in relation to,	52
	59, 94, 163, 165, 577, 869
Divorces, bill in regard to, dissolving the marriage contract,	64, 68
	101, 178, 193, 242, 279, 282, 303, 398, 525
Documents, payment of postage on,	6
resolution relative to binding of,	41
to be forwarded to members, &c. (See Laws.)	
Doe, Gertrude C., resolutions relative to papers of,	396, 631
bill for relief of,	446
Dog stealers, petition of R. J. Todd for protection against,	578
Doig, James, act to enable to take and hold real estate,	502, 594
	607, 608, 618, 729
Domestic animals, act for encouraging the improvement of	
breed of,	502, 507, 522
Domestics, notice of bill to provide for speedy settlement of	
claims of,	117
Doorkeepers, election of,	5, 6
Down Town Association, act to incorporate,	639, 700, 716, 748, 975
Downs, Abel, and Seabury S. Gould, petition of,	157
act for relief of,	213, 285, 295, 298, 875, 897, 923
Dubois, Cornelius, petition of relative to lands under water in	
Kings county,	159
bill for relief of,	178
Dunn, James, appointed page,	45
Dunkirk and Cherry creek, act to amend act appointing com-	
missioners to lay out road between,	638, 662, 696, 724, 831
Dunkirk, village of, petition for law amending charter of,	71
act to amend charter of,	109, 160, 226, 227, 232, 283
Durham and Greenville, act to authorize formation of Insu-	
rance company in,	238, 294, 404, 405, 418, 422, 962
	970, 976
petition for,	243
Durhamville, village of, act to revive and continue in force	
charter of,	502, 517, 557, 563, 584, 628
Duryee & Forsyth manufacturing company, act to authorize to	
mortgage real estate,	776, 782, 803, 804, 820
Dutch church, Protestant Reformed. (See Reformed Prote-	
stant.)	
Dutchess county jail, petition for a new,	448
remonstrance against,	448
report of committee on,	469
Dutchess County Mutual Insurance Company, act to amend act	
incorporating,	37, 40, 57, 70, 72, 73, 189, 203, 235
Dutchess county, poor house and paupers in, act in relation	
to,	44, 48, 57, 73, 75, 77, 119, 146
resolutions of supervisors, relative to,	51
poor laws, petition for change of,	322

Dyckman Library, act to incorporate, 414, 449, 647, 649, 672, 673
840, 872

E.

East Brooklyn Savings Bank, petition for,.....	211
act to incorporate,....	303, 404, 419, 420, 940, 971, 976
East New York avenue, act to provide for opening, 401, 563, 606 620, 729	
East river, improvement of, petition for,.....	219
bill for,....	413, 609, 610, 624, 635, 702, 711, 713, 787
pilots, act for protection of, 53, 58, 82, 97, 101, 104, 330 345, 382, 408	
steamboat landing, petitions to remove,	71, 107
remonstrances against removal of, 180, 181, 182, 196, 204 211, 250, 264, 280	
Eastchester bay. (See Westchester, town of.)	
Eastwood, Asa, remonstrance of, against payment of damages on account of raising water in Oneida river,.....	562
Edwards, Edward H., act authorizing refunding certain moneys to,	665, 703, 832, 847, 976
Election, inspectors of. (See inspectors of election.)	
Election laws, resolution that Secretary of State report number of pamphlet edition on hand,	282
report of,	325
bill to amend Revised Statutes relative to punishment for violation of,.....	439, 461, 607, 613, 620
Elections, other than for militia and town officers, act to amend act respecting,	109, 171, 311, 318, 532, 534, 537, 964, 975
Ely, Leicester K., and others, act authorizing conveyance of certain lands to,.....	413, 434, 438, 470, 480, 896, 923
Elmore, John N., petition of,	75
bill for relief of,.....	879, 890, 894, 898
Episcopal church. (See Protestant Episcopal church.)	
Erie canal enlargement, act to provide for work done and ma- terials furnished for certain parts of, 89, 111, 114, 144, 167, 210 213, 215, 872, 914, 926	
Erie canal, locks on, bill to provide for lengthening, without cost to the State,.....	759, 772, 805, 954
Erie county, supervisors of, act to make salaried office of, and to regulate compensation of clerk of board of, 490, 504 574, 576, 589, 628	
petition for,	562
Erie and New York City Railroad, act to authorize sale of, to Atlantic and Great Western Railroad,	651, 658, 677, 830
Esopus creek, act to provide for completing bridge across, 117, 123 259, 347, 358, 359, 782, 801, 868	
Essex county, highway taxes in, act relative to certain, ..	802, 813 844, 920
special judge, act to repeal law authorizing election of, 43 62, 91, 97, 103, 146	

Evening sessions, resolutions relative to,	151, 469, 473, 577
Excelsior Bucket company No. 1, Richmond county, act to incorporate,	705, 715, 747, 830
Excise commissioners. (See Commissioners of Excise.)	
Excise law, petition for repeal of 17th section of,	93
petition for amendment of,	128, 145
bill to facilitate enforcement of,	340
bill to repeal 17th section of, so far as relates to Oneida county. (See Oneida county.)	
Executive sessions, resolutions for,	41, 737, 954
to hold, with open doors,	155, 775, 962
resolutions relative to, &c.,	172, 173, 174
F.	
Fairman, Charles G., appointed journal clerk,	45
resolution of thanks to,	918
Farmers' Loan and Trust company, petition of, for alteration of charter,	86
act to reduce capital stock of, ...	118, 245, 351, 355, 357
	708, 829
Farmerville, village of, act to constitute separate road district,	639
	780, 813, 877, 923
Farwell, S., and others, resolutions relative to papers of, ...	69, 579
Felony, petition to give persons charged with, the last argument upon their trial,	145
bill giving to,	161
Females, petition of association for relief of respectable aged and indigent,	338
act to amend act to incorporate association for relief of,	391, 557, 560, 564, 565, 897, 922
Fences, division, act to amend Revised Statutes relative to. (See Division fences.)	
bill in relation to division of line,	446
Ferry between Albany and Troy, resolution relative to papers for,	155
bill to establish,	214
across Cayuga lake. (See Cayuga lake.)	
at Port Richmond. (See Port Richmond.)	
across Hudson river. (See Field, Oliver A.)	
between Riverhead, Greenport and Sag Harbor, petition for,	236, 354
act to authorize, establishing, ...	324, 354, 429, 430, 436
	444, 782, 801, 870
Ferries between New York and Brooklyn. (See New York.)	
between Staten Island and New York, petition relative to,	272
bill relative to,	275
Fertilizers, bill to protect purchasers of, ...	178, 188, 212, 284, 295
Field, Oliver A., act extending to, right to maintain ferry across Hudson river,	639, 644, 659, 679, 731

Fine art associations, act for incorporation of, and to amend act for incorporation of benevolent, charitable and scientific associations,	651, 672, 685, 704, 735, 737, 742
Fines, bill to provide for payment of, collected by commissioners of excise, to county treasurers,	274, 281, 306
Finn, G., and wife, petition of, for release of property,	436
Fire Insurance companies. (See Insurance.)	
Firemen, bill to exempt, from taxation to the amount of five hundred dollars,	38, 68, 86, 120, 125, 131, 133
petition for,	100
Fish in Black Lake. (See Black Lake.)	
in Blodgett's Pond. (See Blodgett's Pond.)	
in Crooked Lake. (See Crooked Lake.)	
in Freedom, town of. (See Freedom, town of.)	
in Genesee River. (See Genesee River.)	
in Hemlock Lake. (See Hemlock Lake.)	
Fish and game, petition for preservation of,	106
report of committee on,	114
Fish, acts for preservation of, ...	214, 252, 262, 273, 275, 279, 292
665, 709, 730, 822, 826, 880, 897, 923	
Flatbush avenue, petition relative to extension of,	40
act for extension of, ...	38, 40, 44, 123, 634, 673, 675, 971
Flatbush Hook and Ladder Co., petition of, for incorporation, ..	204
act to organize,	212, 341, 344, 348
Flatbush Plank-road in Kings Co., act to authorize horse railroad track to be laid on their road,	777, 780, 839, 880, 923
Flatbush, town of, bill to amend act to prevent animals from running at large in,	357, 376
Fonda, Jacob, petition for relief of,	152, 579
Foreign Insurance companies, bill in relation to, ...	382, 470, 557
562, 581, 641	
Fort Plain and Cooperstown plankroad, act to authorize stockholders to change day of holding annual election of directors of,	393, 438, 558, 562, 583, 829
Fort Plain and Palatine Free Bridge Association, act relating to free bridge across Mohawk river, erected by, ..	652, 704, 714
743, 868	
Fourth Avenue Savings bank, bill to incorporate,	607
France, John H., elected doorkeeper,	5
Franklin county, act for construction of road from Branch pond, McComb's purchase, to upper Saranac, 664, 696, 710, 713	
746, 830	
Franklin Savings bank, act to incorporate,	502, 576, 592, 595
619, 840, 924	
Frauds at auction, bill to prevent, by sale of goods at, ...	374, 392
629, 638, 645	
Frauds, bill to make better provision for punishment of, committed by trustees, bankers and persons entrusted with property,	403, 431, 552, 564, 565
Frauds in transfer of stocks. (See Stocks.)	

Freedom Methodist Episcopal Church, bill to authorize trustees of, to sell lands,.....	331, 808
Freedom, town of, act to protect fish in several lakes of,.....	502, 643 647, 649, 674, 731
Freeman, Jehiel, and Edwin R. Hammett, bill for appraisal and payment of canal damages to,.....	473, 759, 839
Free Will Baptist Church in Stirling, act authorizing grant of land to,.....	177, 306, 404, 413, 441, 472
Freight on railroads. (See Railroad freight.)	
Fremont, town of, act to alter boundary line of,....	501, 533, 574 576, 588, 628
Friendship Baptist Church, bill to authorize trustees of, to sell certain property,.....	776, 807
Fulton and Hamilton counties, act in relation to publication of legal notices in,	271, 273, 277, 497, 542

G.

Game, petition for preservation of,.....	106
report of committee on,	114
Garlinghouse, Charles A., appointed page,.....	45
Gary, Wm., bill to annex lands of, to school district in Troy, ..	102 109, 116, 156, 163, 165, 461
Gas meters, act to authorize appointment of deputy inspectors of,.....	393, 437, 511, 513, 524, 543
Gates, Peter, act releasing interest of State in lands heretofore held by,.....	807, 877, 894, 922
Geddes, village of, petition that lands not embraced in, may be placed under care of commissioners of highways, ..	81
remonstrance against,	126
bill to amend act incorporating,.....	83, 88, 391
petition to amend charter of,.....	127
petition for law authorising New York Central and Oswego and Syracuse Railroad companies to erect station houses at,.....	203
act authorizing erection of station houses at,....	220, 286 295, 301, 926, 963, 974
General orders, resolutions for sessions to consider,	151, 825
Genesee College, petition of faculty of, for aid,	101
report of committee on,	185
Genesee County Agricultural Society, act to authorize, to sell and convey certain real estate,....	705, 716, 738, 756 790, 852, 921
Clerk, act to authorize to transcribe certain records of Ontario county,	706, 715, 738, 755, 787 871
Insane Asylum, act in relation to poor house connected with, &c.,	777, 779, 812, 870
superintendents of poor of, act to confer certain powers on,.....	87, 115, 143, 149, 202, 234
Genesee Falls, petition of citizens of, for new county,.....	211

Genesee river, petition of citizens of Allegany county for protection of fish in,.....	672
bill for protection of fish in,.....	672, 772
Geraldines of New York, notice of bill to incorporate,.....	111
German Liederkrantz, act to incorporate,...	410, 429, 430, 432, 444
	476, 543
Gihon, John, bill for appointment of commissioners to examine claim of,.....	176, 198, 319, 398, 555, 590, 626
Gillett, Edwin T., appointed page,.....	45
Gilman, Elias P., resolution to refer papers of,.....	171
report of committee on,.....	576
Glens Falls feeder, petitions for improvement of, ...	107, 243, 265
resolution that Auditor present amount of tolls received on,.....	118
report of,.....	147
Gloversville, town of, petition for separate election districts in,.....	353
Gloversville, village of, petition to change time of holding charter election in,.....	140
act authorizing election of trustees in,....	160, 261, 265
	268, 876, 921, 928, 965, 974
act to legalize and confirm election of trustees in,...	740
	759, 778, 781, 811, 870
Goods, bill to prevent frauds in sale of. (See Frauds.)	
Gorham Cemetery, act to authorize trustees of, to include in their original plot the old burying ground lying adjacent thereto,.....	510
Gould, Seabury S. (See Downs, Abel.)	
Governor, annual message of,.....	8
resolution to print,.....	37
to refer to committee of the whole,.....	38
considered in committee of the whole,...	56, 60, 65, 70
	98, 189, 208, 241, 326, 335, 349
made special order,.....	112
message from, transmitting report of Quarantine commissioners,.....	72
message from, relative to visit of Legislatures of Ohio, Kentucky and Tennessee,.....	129, 145, 146
resolution requesting, to invite Legislatures of Ohio, Kentucky and Tennessee,.....	132
answer of,.....	146
message from, relative to State finances and railroad tolls,.....	287
resolution to print,.....	303, 315
message from, vetoing act extending time for collection of taxes,.....	366
resolution requesting, to return bill to create fund in aid of society for reformation of juvenile delinquents in New York,.....	410, 430, 486
message from, vetoing act to create a fund in aid of society for the reformation of juvenile delinquents in New York,.....	492

Governor, message from, relative to pilot commissioners,	623
message from, vetoing act to confirm assessment of directors of Delaware and Susquehanna plankroad,	853
message from, vetoing act to authorize the sale of cer- tain lands belonging to the State, and to empower the corporation of New York to purchase the same,	866
resolution relative to failure of, to sign or veto bills, ..	917
message from, not signed,	947
message from, vetoing Albany and Susquehanna rail- road bill,	948
message from, vetoing bill to legalize certain proceed- ings of mayor, aldermen and commonalty of New York,	955
resolution authorising to transmit to Executives of other States, Legislative laws, journals, &c., ..	778, 838
message from, vetoing bill for erection of the county of Conhocton,	956, 961
Government, act to provide means to support,	803, 935, 973
act making appropriations for support of, for the year commencing October 1, 1860, ..	663, 754, 762, 763, 764 765, 774, 798, 799, 835
act making appropriations for certain expenses of, for the year 1860,	777, 840, 852, 863
Grant, Turner & Ryan, petition of, for relief,	39, 312
Great Bennewater swamp. (See Bennewater Swamp.)	
Great Sodus Bay. (See Sodus Bay.)	
Green Island, act to repeal sections 5 and 6 of act to constitute village of a separate road district, ..	705, 833, 842, 882, 964, 975
Greene, town of, act to provide for building bridges in, ..	141, 175 270, 276, 341
Greenburgh, town of, act authorizing election of overseers of highways in, by districts,	826, 832, 848, 921
Greenport and Sag Harbor Ferry. (See Ferry.)	
Greenville, Insurance company in. (See Durhamville.)	

H.

Hall, John, petition of,	47
act to release certain lands to, ..	68, 82, 97, 101, 132, 801
Hamilton County Agricultural Society, bill to enable, to draw one hundred dollars of public money for agricul- tural purposes,	665, 779
act changing boundaries of certain towns in,	274, 328 412, 530, 608, 620, 692, 731
act to provide for publication of legal notices in, ..	742, 760 772, 780, 810, 870
act in relation to certain highway taxes in,	802, 813 844, 920
Hamilton and Warren county road. (See Warren county.)	
Hammett, Edwin R. (See Freeman, Jehiel.)	
Hammondsport, village of, act to change time of holding annual election of officers of,	827, 834, 850, 921

Hannibal, town of, act to authorize, to purchase farm and erect thereon a town poor house,.....	609, 612, 634, 638, 757, 829
Harbor Masters, resolution that committee having in charge nominations of, send for persons and papers,.....	172
remonstrance against bill in relation to,.....	530
Harford, act authorizing supervisors of, to sell certain lands. (See Lapeer.)	
Haring, John, act for relief of,	665, 701, 710, 711, 742, 829
Harlem or 4th Avenue railroad, notice of bill for extension of,	117
Harlem Railroad, petitions for reduction of milk freights on. (See New York and Harlem.)	
Harlem River, act to amend act for removal of obstructions from,.....	513, 514, 550, 627
act to establish exterior line on, in New York city,...	740
	807, 816
Harlem Stage and Ferry company, act to incorporate,....	878, 943
	944, 975
Harmony, town of, act to provide for election of additional justices of peace in,.....	218, 222, 228, 235
Hartford, Providence and Fishkill railroad, petitions for relief of,.....	203, 211, 250, 292, 329
Hay, James, petition of, for relief,.....	51
resolution relative to papers of,.....	55, 111
bill to determine claim of,	273, 398, 547, 553, 554, 555
Hay, bill to prevent frauds in sale of,.....	64, 72
petition for law to prevent frauds in sale of,.....	85
Hay, baled and hay scales, act in relation to,.....	72, 95, 111, 159
	256, 258, 267, 272, 642, 729
Health, boards of. (See Boards of Health.)	
Insurance companies. (See Insurance.)	
laws, petition for code of,.....	293, 353
Hebrew Benevolent Society of New York city, act in addition to act to incorporate,.....	707, 723, 738, 758, 793, 871
Hebron Second Associate Congregation, act to amend act to authorize to dispose of church property,....	221, 258, 328, 642, 674
	757, 831
Heirs and devisees, to amend Revised Statutes relative to,	131, 142
	161, 547, 548, 551
Hell Gate Pilots, petition of,.....	56
act for protection of,	53, 58, 82, 97, 101, 104, 330, 345
	382, 408
Hemlock Lake, petition for protection of fish in, 92, 113, 158, 181	
report of committee on,	115
act for protection of fish in,.....	123, 129, 179, 217, 224
	278, 341
Hempstead, town of, act to authorize inhabitants of, to elect five assessors.....	357, 434, 437, 462, 464, 541, 543
Herkimer County Courts, act to provide for compensation of crier of,.....	739, 760, 772, 780, 810, 871
County Poor laws, bill to amend act to amend,.	331, 439

Herkimer county poor, remonstrance against restoring distinction between town and county,	372
Herkimer, village of, act to amend charter of,	665, 700, 738, 773
	796, 852, 921
Hermitage Association, bill to incorporate,	863, 943, 944, 975
Highland county, bill to erect,	706, 908
remonstrance against,	778
Highland Union Cemetery Association, act to incorporate,	896, 916
	917, 947, 976
Highways, bridges and ferries, resolution that the Secretary of State cause all laws relating to, to be collected and published in pamphlet form,	339, 539, 704, 717
Highway damages, to amend chapter 454 of laws of 1847, in relation to,	314, 408, 409, 418, 424
Highways, sidewalks along, act to protect, ...	7, 48, 63, 78, 81, 83
	395, 399, 408
act to amend law relative to laying out, ...	152, 161, 176
	304, 307, 309, 938, 963, 975
bill to amend Revised Statutes relative to opening, ...	266
	314
bill explanatory of laws of 1845 and 1847 in relation to,	498, 531, 548, 551
Hoboken and Williamsburgh Railroad, bill to incorporate,	446, 516
Holidays, bill to amend act designating,	48, 53, 71, 91, 97, 101
	103, 190
Hollenbeck, Isaac, petition of, for relief,	244
Home Savings bank, petition for act to incorporate,	610
Homœopathic Medical College, act to incorporate, in New York city,	67, 76, 170, 235, 237, 247, 643, 657, 669, 872
Homestead Fire Insurance company, act to alter charter of, ...	338
	382, 636, 658, 660, 672, 680, 856, 859, 877, 897, 923
Hope Fire Insurance company, act to amend charter of,	67, 88, 238
	351, 358, 364, 964, 974
Hope, town of, act to divide,	485, 557, 559, 581, 582, 708, 730
petition of citizens for,	181
Houck, G., act for relief of,	879, 882, 883, 909, 913, 972
Hough, Luman, petition of, to confirm name of Albert L. Hough,	39
Hough, Albert L., bill to confirm name of,	40, 44, 72, 91, 94, 96
Horses, act to amend act for incorporation of associations for improvement of breed of,	152, 170, 256, 262, 265, 268, 887, 926
Hospital, marine. (See Marine Hospital.)	
Hubbard, Wm. O., act for relief of,	141, 237, 327, 334, 395, 542
Hudson city, civil justice of, act relative to fees of,	40, 44, 63, 74
	75, 77, 581, 605, 628
fire department of, act to incorporate,	88, 103, 116, 167
	184, 188, 689, 709, 730
Hudson river, act in relation to cutting of ice on,	76, 94, 125, 133
	161, 172, 234
bridge across at Northampton. (See Northampton.)	

Hudson river valley, petition for improvement of,	113
improvement of, petition for,	250
resolution requesting Attorney General to furnish opinion as to extent of privilege granted to the pub- lic under section 4, of chap. 406, Laws of 1849, ..	370
report of,	409
resolution relative to improvement of,	445, 455
ferry across. (See Field, Oliver A.)	
Huggetown pond, act to amend act for protection of proprietor of, in preservation of fish in, - 172, 663, 699, 710, 712, 745, 830	
Hughes, S. Marvin, estate of. (See Billingham, H. C.)	
Hunter's Point, act to authorize conveyance of certain lands in to Leicester K. Ely and others, 413, 434, 438, 470, 480	
	896, 923
act to authorize construction of railroad from, to some point on East river, 707, 723, 772, 779, 809, 852	
Huntington, act to authorize construction of railroad from, to some point on East river, 707, 723, 772, 779, 809, 852	
act to authorize trustees of school district No. 21, in town of, to borrow money,	776, 780, 811, 870
Hurlbut, G., and others, act authorizing to file their claims for damages,	502, 515, 627, 644, 732
Husband and wife, act concerning rights and liabilities of, 282, 295	
	298, 300, 456, 470, 542
bill allowing to be examined as witnesses in certain cases,	337, 392, 629, 653
Hyde Park Fire Department, petition to incorporate,	437
act to incorporate, 379, 391, 435, 437, 450, 463, 738, 831	

I.

Idiot Asylum, resolution to print report of,	90, 94
Indians, Seneca, petition of, for repeal of allotment laws of 1847 and 1849,	562
bill to repeal,	565, 658, 661, 673, 681, 851
St. Regis, bill for relief of occupants of lands of, 252, 461	
Tonawanda, act authorizing comptroller to hold lands of, in trust,	109, 185, 327, 329, 334, 926, 973
Tonawanda, act to relieve from certain taxes on Tona- wanda reservation, 109, 176, 270, 319, 323, 348, 964, 976	
remonstrance against,	264
Tonawanda, memorial of, for relief,	107
Indictments and proceeding thereon, to amend Revised Statutes relative to. (See Revised Statutes.)	
Inebriate Asylum, State, bill to repeal act appropriating excise moneys to,	52, 306
petition to amend act for relief of,	244
Insane convicts, bill for removal of, from Utica Insane Asylum to Auburn Insane Asylum,	545, 548, 629, 638, 641
Insolvent debtors, bill for relief of, 297, 431, 486, 500, 508, 509	
	904, 906, 926

Inspectors of election, bill in relation to election of,	53
Insolvent debtors, remonstrance against bill for relief of,	672
Inspectors of gas meters. (See gas meters.)	
of State prisons. (See State prisons.)	
Insurance company, agricultural. (See Agricultural.)	
Babylon, bill to incorporate,	440
Dutchess county. (See Dutchess.)	
Foreign, bill in relation to, 382, 470, 557, 562, 581, 641	
Homestead Fire. (See Homestead.)	
Hope Fire. (See Hope.)	
Laws, petition for amendment of,	182
Life and Health, act to amend act to provide for in-	
corporation of, 580, 654, 685, 697, 725, 840, 872 .	
Lorillard. (See Lorillard.)	
Montgomery county. (See Montgomery.)	
New York Railroad and Steamboat Accident, bill to	
incorporate,	124
Transit Life, act to incorporate, 252, 379, 432, 440	
462, 858, 877, 922	
Travelers', bill to incorporate,	118, 124
Washington. (See Washington.)	
act authorizing towns of Durham, Greenville, Wes-	
terlo, and Rensselaerville, to form, 238, 294, 404, 405	
418, 422, 962, 970, 976	
petition for,	243
Insurance companies, fire, act to amend act for incorporation	
of, 52, 165, 306, 380, 396, 404, 418, 419, 709	
mutual, petition to exempt premium notes of from	
taxation,	128
bill to exempt,	131
bill in relation to premium notes given to,	338
Town, bill to authorize formation of,	246
Town, act to amend act to authorize formation of, 502	
516, 592, 595, 617, 729	
petition of E. C. Delavan for law to form, for fidelity	
of persons holding places of trust,	237
Insurance Department, resolution to print report of,	225, 238
Intemperance, bill to amend act for prevention of, &c.,	40
petition for,	79
bill to amend act to suppress, and to regulate sale of	
intoxicating liquors, 252, 294, 486, 504, 545, 547, 553	
593, 642, 672, 674	
Interest on awards made by Canal Appraisers, petition for,	304
bill for,	315
Interest on canal drafts, certificates and awards, act to provide	
for payment of, 510, 517, 552, 555, 629, 770, 837, 851, 855, 902	
Interest on debt created under Constitution for enlargement	
and completion of canals, act to provide means to pay, 915, 954	
961, 971, 976	
Interest on State debt. (See State debt.)	

International Bridge Company, petition for amendment of charter of,	219
Intoxicating liquors. (See Constitution, and Intemperance, and Liquors.)	
Italy, town of, act to annex part of town of Naples, 220, 307, 404	
	426, 472

J.

Jamaica Dime Savings Bank, act to incorporate, 88, 95, 245, 328	
	338, 348
James creek, bridge over,	60, 116, 167, 184, 188, 771, 831
Jamestown, village of, act to amend act to incorporate, 742, 774	
	797, 871
Jefferson county, petition for law to regulate fisheries in, 37, 39	
	56, 62
remonstrances against,	86
bill to authorize records of certain deeds, to be transcribed for,	72, 76, 130, 233, 237, 240
Johnson, Charles, elected doorkeeper,	5
Johnson, William, act for relief of,	665, 703, 832, 847
Johnstown, town of, act to enable electors of to vote by districts for town officers,	352, 390, 574, 576, 596, 602
Joint resolution, in relation to joint rules,	6, 38
to amend Constitution relative to Judiciary. (See Constitution.)	
for appointment of committee of three to collate and codify school laws,	65
for printing Journal of Legislative Council,	163
in relation to adjournments. (See adjournments.)	
to amend Constitution, so as to abolish property qualification,	230, 468
that the Secretary of State cause all laws relating to highways, ferries and bridges, to be printed in pamphlet form,	339, 539, 704, 717
requesting the Governor to return the bill to create a fund for the aid of the Society for the Reformation of Juvenile delinquents,	430, 486
requesting Senators and Representatives in Congress to favor the passage of a law for the improvement of the Hudson river,	445, 455
to proceed to election of Superintendent of Public Instruction,	468, 486
that the Clerks of each House furnish a set of the Colonial History to members, &c.,	528, 589
in favor of passage of bill for increase of pay of United States Navy,	662
in favor of passage of bill before Congress for establishment of line of mail and passenger steamers between Mobile and New Orleans and ports on Gulf of Mexico,	668, 824
to publish Transactions of American Institute, 714, 771, 823	

Joint resolution, to amend Constitution so as to prohibit sale of intoxicating liquors as beverage. (See Constitution.)	
to suspend 20th joint rule,.....	770, 778
that the Governor be authorized to transmit to other States, Legislative Journals, &c.,.....	778, 838
for commission to examine into the prison discipline of this State, &c.,.....	782, 836
to publish transactions of New York State Agricultural Society,	792, 823
to print five copies of census for Senators and officers,	822, 917
that Inspectors of State Prisons may extend contract for manufacture of nails at Clinton Prison,.....	825
that legislative printer forward laws, journals and documents to members and officers of Legislature,	899, 919
to purchase "Street's Council of Revision,"	916, 962, 968, 978
Joint rules of Senate and Assembly. (See Rules.)	
Jones, Ishmael, petition of, for change of name,.....	243
Journals of Legislative Council, resolution to print,	163, 977
Journal of Legislature, resolution that the Governor send to other States,	778, 838
Journals, to be forwarded, &c. (See Laws.)	
Judges Court of Appeals, notice of bill authorizing to appoint Supreme Court Reporter,	44
Judges, resolution relative to election of. (See Constitution.)	
Judgments, act to authorize county clerks to enter satisfaction of, in certain cases,	88, 94, 105, 110, 146
Judicial district, act relative to courts in fifth,	130, 132, 141, 146, 149, 156, 179
Judiciary, to amend Constitution relative to. (See Constitution.)	
Junction Gate House in New York Croton Aqueduct. (See New York.)	
Justices' courts, petition for law giving to plaintiffs full costs in,	244
bill in relation to disbursements in,	274, 294, 403, 418, 419
act to extend jurisdiction of, and to amend Code. (See Code of Procedure.)	
Justices' of the peace, act to fix fees of, ..	44, 54, 86, 150, 155, 159, 162, 962, 971, 976
accounts of. (See Town Auditors.)	
Jurors, grand and petit, act in relation to fees of,	332, 339, 405, 423, 514, 628
petitions for increased compensation to,	380, 507
Jurors, petit, bill relative to attendance of, at county courts, ..	123, 130, 168, 184, 188
Jury duty, bill to exempt certain persons from,	896, 900, 903

Juvenile delinquents, bill to create a fund in aid of Society for reformation of,.....	281, 297, 314, 346, 347, 358, 359
	430, 487
message from Governor, vetoing,.....	493
bill to repeal,.....	430
Juvenile delinquents, society for reformation of, report of,....	326
act to amend act incorporating,.....	652, 672, 685, 701
	727, 830
Juvenile reformatory schools, bill to authorize formation of, 7,	205

K.

Keeseville, First Wesleyan Methodist church, act authorizing trustees of, to convey premises to Jacob Blaisdell, 205, 295,	400
	424, 472
Kellogg, J. S., resolution to take papers of, from files,.....	49
report of committee on,	220
Kelly, John, act to legalize acts as plankroad inspector, 87, 94,	105
	110, 146
Kelsey, Robert, petition of, for relief. (See Pierce, Horace.)	
Kentucky Legislature, messages from Governor, and resolutions relative to visit of,	129, 132, 145, 146
Kerr, John, report of, as one of the excise commissioners of New York city,.....	398
Kilmer, Peter, elected doorkeeper,.....	5
Kings county, assessments in, act to extend time for payment of certain,.....	118, 195, 196, 212, 284, 319, 351
remonstrance against,	272
court house, act to authorize supervisors to build, 739,	757
	787, 861, 970, 976
East New York, avenue in, act to provide for opening,	401
	563, 606, 620, 729
excise commissioners, resolution directing, to report to Senate amount of money received,.....	488
highways and bridges in, act to amend an act regulating,.....	856, 878, 891, 899, 973
lands under water in. (See Dubois, C.)	
Lunatic Asylum, act authorizing supervisors to build addition to,.....	671, 699, 726, 829
Paça avenue in, act to provide for opening, 741, 774,	915
	920, 973
Savings Institution, act to incorporate, 502, 553, 555,	558
	584, 719, 829
superintendents of the poor, act to amend act in relation to election of,	72, 200, 245, 351
	355, 374
supervisors, petition of, for abolition of Brooklyn city court,.....	40
Kingsland, Jacob D., act to refer claim of,....	72, 76, 252, 320, 353
	358, 365, 801, 868
Knapp, Geo. H., elected assistant sergeant-at-arms,.....	4

L.

Laborers and domestics, bill to provide for speedy settlement of claims of,	117, 118
Lake Ontario and Hudson River railroad, act to facilitate completion of,	221, 251, 283
petition for,	241
remonstrance against,	241
Lakes and rivers, bill to amend act for formation of companies to navigate,	45, 52, 65, 66, 69, 409
Land, Charles, petition of, for relief,	354
Lands in New York city, act authorizing sale of. (See New York city.)	
Lands, State. (See State Lands.)	
Landholders and owners, petitions of, for laws to protect them in their rights of property,	61, 66, 71, 75, 86, 93, 100, 101
106, 121, 127, 128, 139, 140, 145, 152, 158, 164, 169, 175, 181	
182, 197, 204, 236, 258, 263, 264, 272, 293, 533	
Lapeer, act authorizing supervisors of, to sell certain lands and invest sums received therefor, for school purposes, 967, 971, 976	
Lapham, Hon. Nathan, elected President pro tem,	120
communication from Assembly relative to election of,	221
resolution of thanks to,	243
915	
Law Library in Buffalo, bill for,	44
petition for,	101
in 8th Judicial district, bill to establish,	132
Law School of Columbia College. (See Columbia College.)	
Laws of 1805, act to repeal chapter 98 of, and subsequent enactment thereto,	710, 712, 748, 923
of 1845 and 1847, bill explanatory of, 498, 531, 548, 551	
of 1847, chap. 464, act to amend, ... 205, 314, 392, 408	
409, 430, 432, 444, 472	
of 1847, chap. 455, bill to amend. (See Highway damages.)	
of 1853, chap. 174, bill to amend, ... 152, 161, 176, 304	
307, 309	
of 1853, chap. 48, act to amend. (See Parishville.)	
of 1854, chap. 398, bill to amend. (See Militia.)	
of 1857, chap. 701, act to amend. (See Westchester creek.)	
of 1858, chap. 100, act to amend, 478, 487, 503, 534, 537	
of 1859, chap. 178, bill to amend,	297
of 1859, chap. 312, act to amend, ... 403, 447, 592, 594	
596, 601	
of 1859, chap. 435, act to amend. (See Ausable Plankroad company.)	
of 1859, chap. 178, bill to amend. (See Throop.)	
of 1859, chap. 315, act to amend, 778, 804, 815, 816, 871	
of 1859, petition to amend chap. 219 of,	61

Laws to be forwarded by express to members and officers of the Legislature,.....	899, 919, 932
Lawson, Wm., bill to release the interest of the State in certain lands to,.....	807, 842
Lebanon Springs railroad, petitions for aid to,.....	250, 264, 412
act to extend time for completion of,...	396, 456, 461, 470
	479, 808, 869
Legal notices, bill relative to publication of,.....	38, 200
act to amend Revised Statutes in relation to publication of,...	131, 141, 261, 270, 271, 273, 277, 498, 542
petition for,.....	81
act in relation to publication of, in Fulton and Hamilton counties,.....	271, 273, 277, 498, 542
Legislative council, resolution to print journals of, from 1691 to 1776,.....	163, 977
Legislative prayer meeting, communication from committee, relative to sermon before the Legislature,.....	317
Legislative printer, to forward laws, journals, &c., ..	889, 919, 932
do to print five copies of the census,...	822, 917
Legislative stationery, act in relation to,.....	491, 574, 578, 599
	625, 923
report of committee on public expenditures relative to,.....	143, 563
Legislature, acts of, bill to provide for publication of, in several counties of the State,.....	357
resolution to print extra copies of list of,.....	105, 115
Leslie, E. Norman, act for relief of,.....	501, 579, 593, 614, 731
Lewis, James Monroe, bill to change name of,.....	935, 941, 942
Liberty, bill to constitute town of, one election district,.....	102
Librarian, appointment of,.....	45
Lieutenant Governor, resolution authorizing, to appoint remaining officers,.....	5
Life and Health Insurance companies, act to amend act to provide for incorporation of. (See Insurance.)	
Liquors, petitions for law to prohibit sale of, as a beverage,...	79
	92, 100, 112
Lima, Charleston Congregational Society in. (See Charleston.)	
Line fences, bill to amend law in relation to division of,.....	446
Livingston county treasurer, act to authorize the settlement of claim of State against,.....	640, 643, 647, 648, 675, 731
Locks on canals, clause in canal bill relative to. (See Canals, act to supply with water, &c.)	
Locks on Erie and Oswego canals, bill to provide for lengthening. (See Erie and Oswego canals.)	
Lockport Gas Light company, act to reduce number of directors of,.....	99, 146
act in relation to surplus waters of the canal at,.....	663, 716
	770, 837, 877, 907, 908, 909, 910, 914, 972
Long Island Railroad company, act to amend charter of,...	205, 229
	328, 347, 408

Long Island Steamboat company, act to incorporate, ..	200, 223, 235 255, 258, 267, 640, 653, 868
Lord, Daniel, act releasing certain lands in New York city to, ..	141 147, 168, 225, 227, 254, 261, 269, 279, 340
Lorillard Fire Insurance company, act to amend charter of,	651 704, 711, 713, 746, 830
Lunacy commissioner, petition for appointment of,	93
bill for,	339
Lunatic Asylum. (See State Lunatic Asylum.)	
Luzerne Lake, act for preservation of birds and small game around shores of,	652, 660, 685, 699, 724, 829
Lyceum, Smith, at Canastota. (See Smith Lyceum.)	
Lyons, School district No. 6, act to amend act in relation to, ..	153 199, 284, 295, 298, 840, 870
village of, act to amend act to incorporate, ..	396, 430, 435 450, 463, 808, 870
Lysander, bridge over State drain in, act to authorize repairs on,	141, 259, 353, 383, 397, 542
School district No. 26, in town of, act to authorize trustees of, to raise money by tax, ..	652, 655, 659, 660 694, 731

M.

Madison University, petitions for relief of,	145, 169
report of committee on,	204
Mahoney, Cornelius, petition of, for aid to publish system of music for the blind,	85
report of committee on,	251
Manlius, bill to authorize completion of ditch in town of, 357,	391
Mansfield, town of, petition of citizens for new town from,	181
Manufacturing corporations, acts to amend act for formation of, 83	
88, 102, 150, 154, 548, 558, 609, 611, 613, 626, 801, 869	
Marbletown, act to build a bridge across Esopus creek, in town of. (See Esopus Creek.)	
Marine Hospital physician, report of,	102
resolution to print,	104, 116
Marine Hospital at Quarantine, act to provide for ascertaining the amount of damages caused by destruction of, 57, 64, 172, 273	
337, 349, 387, 389, 391, 415, 757, 975	
Marine Hospital, bill concerning commissioners of emigration and,	187, 314, 396, 445, 456, 459
Marriage contracts, in regard to divorces. (See divorces.)	
Married women, act for protection of property in trade and earnings of, 57, 89, 130, 180, 221, 227, 261, 270, 280, 282	
	300
(See husband and wife.)	
petitions for equal rights in property,	263, 264, 273
Marvin, LeGrand and Geo. L., act to confirm title to real es- tate to,	671, 702, 711, 715, 744, 830
Matrons of Sing Sing female prison. (See Sing Sing.)	
May, Edward, appointed page,	45

McBurney, Thomas, appointed assistant postmaster,	45
McCall, Rebecca, act to release escheated lands to, 439, 447, 574	
581, 585, 876, 922	
McClintock, Rev. John, acceptance of to preach sermon before Legislature,	317
Mechanics' and Tradesmen's Society in New York, act con- firming title of certain real estate belonging to, 740, 759, 802	
804, 820, 871	
Mechanicsville, village of, act making separate road district, ..	638
696, 710, 713, 733, 829	
Medical Society, State. (See State Medical Society.)	
Mentz, schools in, act to amend act to consolidate districts Nos. 6 and 15, and to provide for organization of school and academy therein, &c.,	332, 343, 403, 418, 542
Mentz, town of, bill to reorganize,	511, 513, 517, 524
Methodist Episcopal church of John St. (See New York.) church, of Keeseville. (See Keeseville.) society, of Freedom. (See Freedom.)	
Metropolitan police law, act to amend, 64, 161, 373, 427, 496, 576	
595, 606, 611, 622, 634, 637, 649, 757, 831	
petition for,	313
remonstrances against,	343, 412, 448
Metropolitan Savings Institution, bill to incorporate,	440, 530
Mexico, resolutions relative to commerce with, and in favor of law before Congress embodying propositions of Carlos Butter- field, for establishment of line of mail steamers, &c., ..	668, 824
Middleburgh bridge company, petitions to repeal charter of,	280 293
Middleport, village of, petitions of trustees for law to make it a separate road district,	219
remonstrance against,	372
bill in relation to schools in,	706, 835
Middletown, act to erect town of, 741, 835, 898, 899, 901, 919,	973
Military Association, New York State, invitation from, to attend annual meeting,	78
Militia laws, bill to amend, and to provide for the enrollment of militia, and organization of uniformed corps, &c., 265, 274	
281, 316, 410, 411, 419, 426, 427	
petition for,	380
law, petition for amendment of,	329
of the war of 1812, act to amend act to provide for appointment of commissioners to adjust claims of, 176	
184, 198, 234	
in Richmond county. (See Richmond county.)	
Militia and town officers, act respecting elections of. (See town officers.)	
Mineral waters, act in relation to sale of bottles used by manu- facturers of,	490, 511, 523, 543

Minetto, petition for law to protect bridge across Oswego river at,.....	127
act for,.....	131, 142, 170, 217, 218, 222, 224, 709, 730
Minor children, bill to provide for disposition of the custody of,.....	378, 447
Minstrel Fund Association, bill to incorporate, 141, 182, 209, 578	610, 621, 692
Mock auctions, bill to amend Revised Statutes relative to,....	238
Mohawk river, free bridge across. (See Fort Plain.)	
Money, bill to regulate interest on loan of,.....	108
Monroe county, commissioners of excise, bill requiring to report to board of supervisors,	651, 659, 685, 697
court of special sessions in, act conferring additional powers on,.....	125, 131, 133, 335, 341
fish in bays and streams of, act for preservation of, 741	758, 803, 804, 820, 870
justices of the peace in, act requiring to pay over all fines, and to report the same to board of supervisors,.....	710, 715, 738, 755, 786, 872
supervisors of, petition relative to unpaid taxes,	257
supervisors, petition of, relative to excise moneys in said county,.....	477
surrogate of. (See Billinghamurst, H. C.)	
treasurer of, act authorizing to collect certain taxes, 272	306, 404, 436, 440, 806, 870
workhouse, act amending act for construction of, 87, 115	150, 153, 172, 234
Monroe and Haverstraw road company, act to amend act to incorporate,	863, 878, 891, 900, 973
Montezuma Salt Springs, report of commissioner of,.....	501
resolution to print,.....	512, 516
town of, bill to erect. (See Throop.)	
Montgomery County Mutual Insurance Company, bill to amend act incorporating,.....	205, 212, 337
poor house, act to provide for sale of, 740, 756, 789, 869	
Monticello Methodist Parsonage Association, bill to incorporate, 591	
village, petition for law making separate road district of,.....	92
act making separate road district, 95, 109, 122, 178, 184	201, 708, 730
Montour, petition to erect town of,.....	140, 211
act to erect,	142, 147, 159, 227, 237, 247, 330, 341
Moose, acts for preservation of, 668, 709, 730, 822, 826, 880, 897	923
Morehouse and Wilmarth, act in relation to highways in. (See Wilmarth.)	
Morning Star Lodge I. O. O. F., act to empower to hold real estate,.....	558, 562, 592, 594, 596, 598, 709, 730
Morrisania Turnverein, act to incorporate.....	828, 834, 842
	886, 922

Morrisania and West Farms, act allowing to raise money: (See West Farms.)

Municipal corporations, bill to amend act, to relieve from giving security on appeals, etc., 230, 247, 557, 558, 564, 570

Munro Collegiate Institute, act in relation to, 545, 548, 592, 593
596, 708, 730

Murray, Charles James, petition of for relief,..... 378
act to enable to hold real estate, 446, 540, 544, 546, 550
897, 923

Murray, Peter, petition of, relative to land in escheat..... 92
act for relief of, 95, 103, 130, 180, 184, 191, 192, 653, 729

Mutual Insurance Companies. (See Insurance.)

N.

National Bank of Albany. (See Albany.)

National Democratic Hall Association. (See New York National, &c.)

National Guards of Seventh Regiment. (See New York National, &c.)

Navy, U. S., resolutions in favor of bill before Congress for increase of pay of,..... 662

Nelson, Wm. J., and Ira E. Phillips, bill for relief of,.... 118, 220

Neptune Engine company No. 6, of Tompkinsville, act to incorporate,..... 706, 716, 747, 831

Newburgh, town of, act in relation to police commissioners, police officers, and police justice in, 827, 878, 889, 922
village of, act to amend act to provide for supply of water in,..... 828, 850, 882, 922

New Paltz Academy, petition of trustees of, for relief,..... 128
bill for relief of,..... 131
report of committee on,..... 281

Newtown, act authorizing laying railroad track in. (See Brooklyn.)

Newspapers, payment of postage on,..... 6

New York Central railroad, bill to impose tolls on,... 117, 156, 167
178, 210, 217, 242, 253, 255, 278, 369, 450, 646
bill to repeal act in relation to payment of fare upon, 802
849

petition for authority to erect station house at Geddes, 203
act for,..... 220, 286, 295, 301, 926, 963, 974
remonstrance against increase of fare on,..... 461

New York city, Academy of Music in, bill for relief of, 63, 68, 176
resolution relative to papers of,..... 111

Almshouse, Governors, resolution for committee to investigate charges against, 561, 571

Almshouse Department, act to abolish, and to create Department of Public Charities,.... 266, 274, 611, 647
656, 658, 685, 718, 762, 769, 770, 774, 843, 882, 884
978

Artists' Fund Society, bill to incorporate,..... 896

assessments, bill in relation to, for improvement in certain cases, 414, 561, 571.

New York city, association for relief of aged respectable indi- gent females, act to amend act for incorporation of,	391
557, 560, 564, 565, 897,	922
petition for,	338
Athenæum Association, act to incorporate, 177, 199,	284
299, 311,	341
Atlantic Savings bank. (See Atlantic.)	
Bank Deposit and Custodian of public moneys, act in relation to,	382, 449, 574, 575, 581, 616
801,	975
and Brooklyn, bill to regulate rates of ferriage be- tween,	7, 68, 122, 169, 179, 193, 209, 213, 216
petition for,	145
Central Park, notice of bill prohibiting employees on, being paid in orders on stores,	48
act for construction, regulation and government of, and to provide additional means for completing, ..	331
433, 435, 448, 449, 462,	541
act authorizing taking additional lands for,	776, 781
resolution for appointment of committee to examine affairs of, &c.,	898
appointment of,	925
Central Park Commissioners, resolution requesting answer from, to certain interrogatories,	335, 336
answer of,	393
Citizens' Savings bank in. (See Citizens.)	
City Hall, bill to amend act in relation to, 359, 490,	590
591, 654, 699, 719, 796 797,	897
petitions for,	558, 559, 562, 578, 612, 631, 653
remonstrances against,	548, 612
Coast Wrecking company. (See Coast.)	
College of Physicians and Surgeons in, act to amend charter of,	470, 473, 492, 500, 520, 543
Columbia College in, act to authorize trustees to hold real estate,	123, 128, 254, 282
commissioners of record of, bill to repeal law cre- ating,	53, 68
petitions for,	152, 175, 612
report of,	112
commissioners for laying out that part of said city ly- ing north of 155th street, act to appoint, 379, 459,	503
505, 511, 512, 520, 523, 708,	731
common council, acts to legalize certain acts of, ..	58, 307
558, 592, 613, 618, 622, 624, 635, 897,	974
bill to legalize resolution of, providing for extension of pier No. 1, North river, ..	64, 68, 307, 572, 648, 649
672,	735
memorial from, relative to tenement houses,	220
act to make valid and effectual a certain ordinance of,	331
392, 528, 530, 538,	627

New York city, act to make valid and effectual certain ordinances of,.....	331, 392, 513, 515, 538,	627
act confirming grant or resolution of, authorizing construction of railroad in certain streets and avenues,	663	
	702, 714, 750,	924
common schools, bill to provide for better government of,	118, 153,	490
Congregation of B'Nai Jeshurum, act to amend act to change number of trustees of,.....	707, 723, 726,	758
	795, 800,	869
constables in, act to extend term of office of,....	706,	716
	738, 761, 793,	871
corporation of, act to authorize, to purchase lands sold by the State,....	171, 187, 213, 319, 320, 322,	324
	653,	866
corporation of, act to authorize to sell certain lands to the United States, and cede jurisdiction thereof,.	895	
	947, 953, 954, 961, 971,	976
Court of Common Pleas, bill in relation to number of judges of,.....	478,	559
Croton water, act to authorize corporation to borrow money, to increase supply of,.....	740, 851, 881,	922
Custodian of public money. (See Bank Deposit.)		
Democratic Hall Association. (See National.)		
Dental College, petition for act to incorporate,.....	140	
remonstrances against,.....	263, 264,	280
bill to incorporate,.....	142, 170,	256
Dispensary, petition for aid to,.....	293	
District Courts, bill to establish five,.....	117	
bill to amend act to reduce several acts relating to, into one act,.....	205, 246, 327, 329,	334
district attorney, communication from, relative to bill relating to police and courts,.....	545	
Down Town Association, act to incorporate,....	639, 700	
	716, 748,	975
Dyckman Library, act to incorporate. (See Dyckman.)		
East street, act to authorize mayor and commonalty to continue,.....	802, 804, 811, 814,	922
excise commissioners, resolution requesting, to report amount of excise money received for 1859,.....	193	
replies of,.....	229,	398
resolution for committee to investigate acts of,.....	252	
appointment of committee,.....	261	
resolution that committee sit during the recess,.	485,	825
report of John Kerr, as one of,	398	
exterior line, act to establish upon Harlem river, between 1st and 3d avenue,.....	740, 807,	816
Farmers' Loan and Trust company. (See Farmers.)		
ferriage between, and Brooklyn. (See New York and Brooklyn.)		

New York city, firemen of, act to amend act for better regulation of,-----	312, 341
fire bell ringers, act to provide for election of,--	370, 380
	449, 553, 564, 566
Floating debt, act to provide for funding and paying, 394	
	818, 850, 886, 924
Franklin Savings bank. (See Franklin.)	
Geraldines, bill to incorporate, -----	111
German Liederkrantz, act to incorporate,--	410, 429, 430
	432, 444, 476, 543
harbor masters of port of, act defining their powers and duties, &c.,----	838, 878, 891, 908, 910, 928, 973
harbor, act to prevent encroachments upon, and to remove obstructions from,--	281, 373, 573, 591, 592, 606
	613, 615, 897
harbor, bill to protect contractor engaged in removal of Diamond reef in,-----	532
and Harlem river, establish exterior line on. (See Harlem.)	
and Harlem Stage and Ferry company, act to incorporate,-----	878, 943, 944, 975
health commissioner, bill to provide for settlement with certain persons for money paid to,-----	350
Hebrew Benevolent Society, act in addition to act incorporating,-----	707, 723, 738, 758, 793, 871
Hermitage Association, bill to incorporate. (See Hermitage.)	
Homœopathic Medical College, act to incorporate, 67, 76	
	170, 235, 237, 247, 643, 657, 669, 872
Hope Fire Insurance company. (See Hope.)	
House of Refuge, memorial of managers of, for an appropriation,-----	158
inspectors of election and district canvassers, act to provide for appointment of,--	221, 305, 572, 662, 744
	830
John street Methodist Episcopal church, act to incorporate special board of trustees of,--	153, 391, 557, 559
	581, 582
judicial force, petition of W. M. Evarts and others, asking for increase of,-----	506
junction gate house, act to facilitate acquisition of land for, &c.,-----	200, 245, 284, 302, 903, 963, 974
juvenile reformatory schools in, bill to establish,--	7, 205
lands in, act to authorize sale of, belonging to State, and to empower corporation to purchase,--	171, 187
	213, 319, 320, 322, 324, 653, 866, 951, 965
act to release to Daniel Lord, &c. (See Lord, Daniel.)	
Lewis street in, bill to extend,-----	413
Library Association, act to incorporate,--	200, 205, 296
	528, 533, 544, 546, 964, 975

New York city, Lorillard Fire Insurance company. (See Lorillard.)

Madison avenue, petitions for opening,.....	353, 437
remonstrance against,	293
map or plan of, acts to alter, ...	214, 295, 305, 379, 393
445, 486, 499, 508, 509, 518, 590, 596, 601, 876,	965
	975, 976
petition of Mayor, &c., for,	257
Marine court, bill relating to number of justices of,	
and their term of office,	478
bill to regulate appeals in and from,	546
Mayor, aldermen and commonalty, bill to legalize certain proceedings of,	392, 592, 594, 855, 955
message from Governor vetoing,	955
act relating to actions, legal proceedings and claims against,	827, 833, 849, 889, 892, 922
petition of, for alteration of map or plan of city, ...	257
Mechanics and Tradesmen, General Society of, act to confirm title of certain real estate belonging to, ...	740
	759, 802, 804, 820, 871
Metropolitan Savings Bank. (See Metropolitan.)	
National Democratic Hall Association, bill to incorporate,	169, 378
National Guards, Seventh Regiment, bill to authorize Commissary General to furnish camp equipage for,	307
	462, 503
Nautical School, bill to establish, in harbor of, ...	311, 373
	591, 613, 615
petition for,	343
Ninth Avenue railroad. (See Railroad in certain streets, &c.)	
North Baptist Church, memorial of,	547
officers, act in relation to fees and compensation of certain public,	828, 833, 849, 881, 924
Police court, act to provide for, ..	357, 372, 487, 594, 613
	615, 971, 976
Police and courts, act in relation to, ..	307, 323, 408, 459
	549, 624, 635, 662, 696, 703, 707, 977
communication from district attorney, relative to, ...	545
police in. (See Metropolitan.)	
port of, bill to amend act to establish regulations for,	58
	64, 312, 486, 500, 505, 512
Protestant Episcopal Church in, act for relief of corporation for relief of widows and children of clergymen of,	87, 93, 156, 166, 381, 398, 416, 472
Public charities and correction, act to establish, and to abolish Almshouse department. (See New York Almshouse.)	
railroads in, act relative to, ...	59, 86, 116, 134, 138, 139
	151, 179

New York city railroad, in Seventh avenue and certain other streets, act to authorize construction of,....	64, 67, 169 252, 260, 352, 355, 356, 370, 376, 436, 572, 622, 702 714, 749, 953
in Avenue A and B, and certain other streets, bill to authorize construction of,.....	64, 83, 356
petition for, through certain streets,.....	80
Harlem or Fourth avenue, bill for extension of,.....	117
in Fourteenth street, and in other streets, act to authorize construction of,....	169, 622, 703, 714, 754, 953
in Avenue D, East Broadway, and other streets, act to authorize construction of, 169, 623, 703, 714, 752,	951
in 42d street to Weehawken ferry, bill to authorize construction of,.....	214, 239, 356
authorizing James H. Woods and others to construct along certain streets,.....	214, 239, 355
report of Mr. Manierre, as minority of committee on cities and villages, against construction of,.....	707
resolution to refer all applications for, to New York Senators,	317
petitions for, at a fare not exceeding three cents,....	343 506, 547, 578
remonstrances against,.....	343, 372, 506, 547
bill to provide for construction of,	352, 356, 693
in South, West, and other streets, act to authorize construction of,....	440, 516, 774, 832, 885, 890, 897 909, 952
in certain streets and avenues, bill to authorize construction of,.....	440, 462, 478, 516
from Barclay street to South ferry, bill to authorize construction of,.....	622
in Houston and other streets, bill to authorize construction of,.....	623, 925, 927, 939, 943
in Tenth avenue, 42d street, and certain other streets and avenues, act to authorize construction of,....	623 703, 714, 750, 800, 952
in certain streets and avenues, act confirming grant of common council, authorizing construction of,..	663 702, 714, 750, 924
Railroad and Steamboat Accident Insurance Company, bill to incorporate,	124
Rose Beneficent Association, act to incorpote,.....	779 801, 868
Rose Juvenile Association, bill to incorpote,....	636, 653 662, 686
Saddle Horse Club, act to incorporate,....	896, 968, 976
school libraries, act in relation to, ...	684, 722, 738, 761 794, 922
ship owners, petition of, for reimbursement of moneys collected by the State for capitation tax,	329

New York city, sixth judicial district, act to divide,-	665, 714, 716 812, 870
Society for the reformation of juvenile delinquents, bill to create a fund in aid of,-	281, 297, 314, 346, 347 358, 359, 410, 430
message from Governor vetoing,.....	493
Society for the reformation of juvenile delinquents, act to amend act incorporating, ...	652, 672, 685, 701 727, 830
and Staten Island, petition relative to ferries between,	272
bill in relation to,	275
steamboat piers, bill for better protection of,...	455, 531 629, 638, 645
steam boilers, act to provide for inspection of,-	671, 700 744, 800
Superior court, bill in relation to,	478
supervisors, resolution requesting opinion of Attorney General, as to constitutionality of law creating,...	124
reply of Attorney General,.....	177
communication from board of,.....	685
bill authorizing to raise money by tax for county pur- poses,	320, 397, 398, 429, 435, 455
act to enable, to raise money by tax for city purposes, etc.,.....	802, 855, 863, 892, 894, 895, 927, 945 966, 977
petition of, for repeal of law creating office of com- missioners of record,.....	175
tenement houses. (See New York common council.)	
University, act in reference to, 638, 656, 659, 660,	695 731
unsafe buildings, petitions of citizens for protection against,	608
bill to provide against and to protect human life, ...	608
act to provide against, 705, 855, 877, 891, 927, 964,	975
Volunteers' Burial and Monument Association, bill to incorporate,	879
Washington Insurance Company. (See Washington.)	
Wharfage, petition to regulate rates of,.....	7
remonstrance against,.....	264
act in relation to rates of wharfage, and to regulate piers, wharves, and bulkheads, 130, 217, 255, 258,	268, 734, 757, 831
wharves and slips, bill to amend act to regulate, 58,	118
Youatt Lyceum, act to amend act to incorporate, 501,	516 558, 562, 583, 628
petition from, for law to license sale of passage tickets in,.....	152
remonstrance of property owners on Fifty-First street, against passage of law grading said street,	448

New York and Connecticut, report of commissioners to ascertain boundary line between,.....	84
resolutions to print,.....	90, 94, 119, 122
act to provide for survey and settlement of boundary line between,	209, 245, 319, 323, 324
	653, 729
and Erie railroad, bill to impose tolls on, 117, 156, 167	
	178, 210, 217, 242, 253, 255, 278, 369, 450, 646
act relative to foreclosure and sale of, 200, 205, 246, 342	
	352, 379, 460, 471, 488, 499, 509, 623, 729
petition for,	204
petitions for law to regulate rates of milk freight on, 372	
	435, 447, 515, 533, 578
bill to regulate rates of milk freight, 297, 307, 373, 381	
	434, 514, 580, 592, 593, 596, 600
and Harlem railroad, petitions for reduction of, milk, freight on,	547, 561
bill to regulate rates,.....	580, 592, 593, 596, 600
State Agricultural Society. (See Agricultural Society.)	
State Idiot Asylum. (See Idiot Asylum.)	
State Inebriate Asylum. (See Inebriate Asylum.)	
State Library. (See State Library.)	
State Lunatic Asylum. (See Lunatic Asylum.)	
State Medical Society. (See State Medical Society.)	
State Military Association, invitation from,	79
Niagara county, justices of peace of several towns of, act requiring, to report to board of supervisors,....	738, 755
	786, 872
supervisors, act to extend term of service of,....	639, 643
	659, 660, 694, 731
petition from, for,	196
petition from, for law requiring county orders to be presented before first of June,	196
petition from, for law requiring parties depositing with county treasurer as trustee, to send inventory of such property to clerks of boards of supervisors,...	196
resolutions of, relative to public printing,.....	196
Niagara Falls International Bridge company, petition of, for amendment of charter,	219
Niagara, town of, act authorizing School district No. 5, of, to raise money by tax,.....	331, 343, 401, 417, 472
act to legalize acts of board of education of School district No. 7 in,.....	556, 563, 592, 583, 614, 729
Non-resident taxes, act in relation to collection of,...	230, 245, 328
	504, 505, 511, 512, 529, 534, 535, 717, 721, 732
Noone & Fitzgerald, resolution relative to papers of,.....	163
bill for relief of,	165, 213, 327, 329, 333, 349
Nordman, Julius G., act for relief of,.....	176, 210, 214, 234
Norsworthy, Samuel, act in relation to lands devised by,...	58, 69
	315, 392, 574, 575, 587, 730

Northampton, town of, bill to authorize, to borrow money to build bridge,....	48, 53, 182, 337, 346, 438, 473, 474 475, 477, 481
petitions for,	66, 293, 313, 328
North Castle, Bedford and Lewisborough, towns of, act to amend Revised Statutes in relation to laying out roads in,....	828, 832 848, 920
North Hempstead, town of, act authorizing commissioners of highways of, to regulate highways in eleventh road district, ..	186 259, 379, 396, 415, 473
North river, petition to remove steamboat landing from,	71
North Watertown, petition of citizens of, for separate road dis- trict,	61
act making,	63, 68, 185, 271, 273, 276, 971, 976
Nostrant, John, act to authorize, to maintain ferry across Cayuga Lake,	43, 59, 63, 84, 87, 90, 190, 203, 235
Notaries public, bill authorizing, to perform duties now per- formed by justices of the peace and commissioners of deeds, &c.,	7, 40, 41, 60, 62, 73, 78, 87, 89, 904
act to legalize and confirm acts of,	7, 63, 78, 87, 89 904, 926, 974
bill to make office of, elective,	82
Notes, bill to amend act to designate holidays to be observed in payment of. (See Holidays.)	
Nott, Benjamin, act for relief of, ..	663, 760, 907, 908, 909, 911, 972

O.

Ogdensburgh, Clayton and Rome railroad. (See Rome village.)	
Ogdensburgh, village of, act to amend charter, ..	123, 130, 168, 171
Ohio Legislature, messages from Governor and resolutions rela- tive to visit of,	129, 132, 145, 146
Olean, village of, act to amend act incorporating, ...	246, 296, 401 417, 542
Oneida County Courts, act to regulate compensation of crier of, ..	186 201, 210, 221, 243, 283
bill to exempt from 17th section of, act to suppress intemperance, and to regulate sale of intoxicating liquors,	559, 607, 647, 648, 672, 676, 681, 851
supervisors, resolutions of, asking for repeal of 17th section of excise law,	93
memorial of, relative to State Assessors,	93
act authorizing, to levy tax on town of Rome. (See Rome.)	
Medical Society, petition of, for appointment of com- missioner of lunacy,	93
Oneida and Herkimer, bill to authorize records of, to be trans- cribed for Jefferson county. (See Jefferson county.)	
Oneida Lake canal, petitions for rebuilding locks on, ..	112, 120, 131 140, 145, 151, 164, 174, 181, 182, 244
act for,	47, 53, 141, 199, 271, 277, 341

Oneonta, village of, act to authorize laying out Deitz street in,	741
	780, 803, 807, 843, 920
Onondaga County Savings bank, act amending act to incorporate,	171, 230, 244, 327, 329, 333, 854, 921
Onondaga Salt Springs. (See Salt Springs.)	
Orange County Milk Association, act to incorporate,	827, 842, 893
	922
Orangetown, act authorizing commissioners of, to build bridge across Sparkill,	38, 40, 63, 74, 75, 77, 172, 179
Orange, town of, bill to annex part of the town of Bradford,	856
Order, decisions on points of, and appeals from. (See President of Senate.)	
Orient Wharf company, act to increase capital of, and extend wharf,	118, 147, 256, 258, 266, 462, 473
Orleans county supervisors, resolutions of, relative to public printing,	40
Orphan and destitute children, act for the further relief of,	102
	108, 114, 163, 166, 184, 202
Osburn, Noah, Charles Land and James H. Delavan, petition of, for relief,	354
Oswegatchie Fair Ground company, act to incorporate,	308, 355
	574, 578, 613, 619, 806, 870
petition for,	305
Oswego Chair Factory, act for incorporation of,	99, 101, 126
	134, 179
Oswego canal, bridge across, at Volney, act authorizing Canal Commissioners to pay for,	664, 672, 722, 806, 826, 847
	897, 972
enlargement, act to provide for speedy completion of sections 20 and 21 of,	631, 642, 801, 825, 846, 924
locks on. (See Locks.)	
Oswego city, act to authorize sale and conveyance of portion of lot No. 27, in block 118,	502, 518, 558, 563, 583, 628
act to revize charter of,	171, 609, 717, 719, 854, 975
remonstrances against,	380, 561
Oswego river, petition for law to protect bridge across, at Minetto,	127
act for,	131, 142, 170, 217, 218, 222, 224, 709, 730
Oswego and Syracuse railroad, bill to impose tolls on,	117, 156, 167
	178, 210, 217, 242, 253, 369, 450
act for erection of station house on, at Geddes,	220, 286
	295, 301, 926, 963, 974
petition for,	203
Otsego county, act relative to justices of the peace designated to hold Courts of Sessions in,	118, 122, 143, 147, 148, 156, 179
Owasco Lake inlet, act to declare part of, public highway,	214, 223
	245, 351, 355, 374, 897, 923
Owego village, act to amend charter of,	226, 323, 351, 355, 365
	690, 709, 730
petitions for,	229, 286

Oyer and Terminer, courts of, bill to transfer proceedings of	
Courts of Sessions to,	165, 294, 403, 418, 420
Oyster Bay, act to alter school district No. 4 in, 479, 487, 498,	525
	854, 921
Oysters, bill relative to planting of, within waters of this State,	252
	273, 429, 475, 477, 481, 965
remonstrance against,	412

P.

Paca avenue, in Kings county. (See Kings county.)	
Pages of the Senate, appointment of,	45
resolution to furnish red books to,	269
to furnish with stationery,	124, 129
to appoint additional page,	340
Paff, Wm. P., petition of, for bridge across Erie canal and canal	
damages,	264, 283, 399
Pardee, Henry, petition of, for canal damages,	151, 579
Pardons, board of, bill to establish,	88, 95, 265
Pardons, court of, petition for law to create,	264
Parishville, act to amend act for laying out and constructing	
road from, to Long Lake,	638, 696
Partnerships, bill to amend Revised Statutes relative to,	118
Passes, free, petition from Wayne county for law against use of,	65
Pauperism and bastardy, bill to provide for codification of laws	
of,	188, 575
and crime, petition for act to prevent,	477
Pearsall Patent Ventilating Barrel Company, petition of,	476
act to authorize purchase of flour, &c., for purpose of	
inserting "Pearsall Patent Tube," 499, 517, 552,	553
	564, 567, 978
Peekskill Savings Bank, act to amend act to incorporate, 776,	804
	819, 870
Turnpike Company, act to authorize to sell to com-	
missioners of highways of towns of Cortlandt and	
Yorktown so much of said road as lies in said	
towns,	856, 878, 892, 922
village of, act to amend act to consolidate and amend	
several acts relating to,	638, 700, 726, 829
Pelham, town of, act to authorize to raise a certain sum of mo-	
ney by tax,	491, 543
Pensions, resolutions requesting Senators and Members of Con-	
gress to vote for law, that all pensions received for wounds	
in line of duty in military or naval service of United States,	
may commence from time of disability,	344, 384
Penn Yan, petition for alteration of boundaries of village of,	151
act to amend act incorporating, 153, 204, 271, 273,	277
	507, 542
People's Savings Bank of Dutchess county, act to incorporate, 396	
	404, 456, 459, 461, 464, 632, 635, 729
Perinton, town of. (See Pittsford.)	

Perry, village of, bill to provide for the election of officers in,	307
	323, 372, 479, 484, 490, 493
Perrysburgh, act to authorize commissioners of highways of, to repair highway in road district No. 1,	739, 759, 793, 871
Personal liberty law, petitions for, 91, 106, 113, 164, 169, 257,	342
	390
remonstrance against,	354
Phillips, Ira E., relief of. (See Nelson, Wm. J.)	
Phillips, Nelson, bill for relief of, ..	48, 54, 245, 350, 358, 360, 581
Phoenix Hook and Ladder Company, in Chateaugay. (See Chateaugay.)	
Physicians and Surgeons, college of. (See New York College of.)	
bill to exempt certain property of, from execution, ..	778
	804
Pierce, Charles J. and F. A. Cook, petition of, for allowance of claim for use of pump on section 369 of Erie canal,	506
Pierce, Horace, W. W. Baker, B. A. Son and Roswell Kelly, petition of,	250
bill for relief of,	399, 486, 504, 508, 519
Pierrepont to Carthage, act to amend and continue act for con- struction of road from,	664, 696, 711, 713, 747, 829
Pike, village of, petition to revive incorporation of,	113
act to provide for election of officers in,	160, 326, 329
	333, 634, 635, 729
Pine Plains, town of, act to amend act to provide for draining swamp and low lands in,	741, 756, 788, 871
Pilot commissioners, communication from Governor relative to, and action of Senate thereon	623, 624
Pilots, at Hell Gate. (See Hell Gate.)	
Pittsburgh railroad. (See Buffalo.)	
Pittsford, town of, bill authorizing supervisors of Monroe Co. to levy tax upon, to open road in town of Perinton, ..	564, 596, 597
Plankroad, Albany, Schoharie and Rensselaerville. (See Al- bany.)	
Albion. (See Albion,)	
Delaware and Susquehanna. (See Delaware.)	
Delaware. (See Delaware.)	
Fort Plain and Cooperstown. (See Fort Plain.)	
Port Jackson and Union Falls. (See Port Jackson.)	
Reservation, Central. (See Reservation.)	
Ulster and Delaware. (See Ulster.)	
Westfield and Chautauque. (See Westfield.)	
Westfield and Clymer. (See Westfield.)	
bill to amend Revised Statutes relative to,	247, 438
bill to amend act in relation to,	478, 575, 898
Poisons, act to regulate sale of, ..	200, 246, 295, 540, 544, 546, 568
	571, 926, 974
Political Code, report of commissioners of,	777
Pomfret, town of, petition of citizens of, against formation of new town,	244

Port Jackson and Union Falls Association, act in relation to,	281
305, 530, 532, 554, 964,	975
Port Richmond and Bergen Point Ferry Company, act to amend	
act to incorporate, 142, 152, 229, 350, 358, 360, 801,	869
petition for,	140
Port warden, resolution that committee having in charge nomi-	
nations of, have power to send for persons and papers,	172
Poughkeepsie, city of, act to repeal and amend parts of acts to	
incorporate, and for benefit of schools in, 652, 659,	678
	731
poor, bill for better support of,	340
Powell, Mark W., petition of for relief,	286
(See Bennewater swamp.)	
Powell, Wm., and others, bill for relief of,	315
Preble, petition for law to drain certain lands in town of,	354
Presbyterian church of North America, bill to amend act to	
incorporate widow and orphans' fund of,	315
President of the Senate, decisions of, on points order, 172, 173,	526
765, 766, 768,	769
appeals from decisions of,	174, 765, 766, 768, 769
to appoint additional page,	340
to appoint officers. (See Lieutenant Governor.)	
resolution of thanks to,	909
address of,	978
pro tem, election of,	120
resolution of thanks to,	915
Previous question, resolution to add as one of the rules,	692
Prieur, Joseph, act to release interest of State to, in certain	
lands,	501, 594, 607, 618, 729
Printing, extra copies of Governor's message,	37
of report of State Engineer and Surveyor on extension	
of Chenango canal,	54, 57, 78
of report of managers of Western House of Refuge, 55,	62
of report of Superintendent of Bank Department, 55,	62
of report of Comptroller,	55, 62
of report of State Assessors,	64, 66
of report of Auditor of Canal Department,	69, 74
of report of Quarantine Commissioners,	73, 76
of report of State Engineer and Surveyor, ...	78, 82, 693
	755, 822
of report of commissioners to settle boundary line between	
New York and Connecticut, ...	90, 94, 119, 122
of report of superintendent of Onondaga Salt	
Springs,	90, 94
of report of trustees of State Idiot Asylum,	90, 94
of report of physician of Marine Hospital,	104, 116
of list of members and officers of Legislature, ..	105, 115
of report of Regents of the University,	105, 116
of report of select committee on petitions for aid to	
Albany and Susquehanna railroad,	111, 116

Printing, extra copies of report of Superintendent of Public In-	
struction,.....	172, 185, 226
of report of Canal Commissioners,.....	172, 186
of report of Inspectors of State Prisons,.....	178, 185
of report of managers of State Lunatic Asylum,.....	193, 212
of report of trustees of New York State Agricultural	
College,.....	193, 200
of report of Superintendent of Bank Department on	
savings banks,.....	278, 296
of report of Superintendent of Insurance Department,.....	226
of report of select committee on bill to amend Re-	
vised Statutes relative to rent and demised pre-	
misses,.....	248, 251
of report of Canal Appraisers,.....	249, 251
of report of New York State Medical Society,.....	303
	314, 315
of Governor's message on State finances and railroad	
tolls,.....	303
of report of trustees of Deaf and Dumb Asylum,.....	346, 364
of report of State Engineer on railroads,.....	346, 364
of report of commissioner of Montezuma salt springs,.....	512
	516
of report of Attorney General relative to constitution-	
ality of law repealing law imposing tolls on rail-	
roads,.....	641, 655
of report of committee on internal affairs on resolu-	
tions to amend constitution so as to prohibit sale of	
intoxicating liquors,.....	737, 773
of report of bank committee on bill in relation to en-	
graving bank notes,.....	833
of report of State Engineer and Surveyor on com-	
panies navigating lakes and rivers,.....	822, 834
of report of Regents of the University on State Cab-	
inet of Natural History,.....	835
of report of Auditor of Canal Department on trade	
and tonnage of canals,.....	838, 883
Printing, public, bill in relation to, and publication of legal	
notices,.....	38, 200
resolution of supervisors of Orleans and Niagara	
counties relative to,.....	40, 196
petition for repeal of law for increasing fees for pub-	
lication of legal notices,.....	81
Prison at Sing Sing. (See Sing Sing.)	
at Clinton. (See Clinton.)	
discipline, resolution for commission to examine into	
&c.,.....	782, 836
Prize fighting, act to amend act to prevent and punish, ..	313, 314
	573, 587, 628
Prohibitory liquor law, petitions for, ..	113, 121, 127, 128, 140, 151
	157, 158, 169, 390

Property, petition of landholders for law to protect. (See Landholders.)	
act to provide for determination of claims to real,...	141
176, 327, 342, 392, 555, 569,	730
qualification, abolition of. (See Constitution.)	
bill to punish fraudulent sale, or concealment of, under chattel mortgage,.....	414, 449, 592, 594
Pro rata freight law, petitions for,...	39, 42, 43, 47, 51, 56, 61, 65
66, 70, 71, 74, 75, 80, 81, 85, 86, 91, 92, 93, 100,	101
105, 107, 112, 113, 120, 121, 127, 128, 140, 144,	145
146, 151, 157, 158, 164, 169, 174, 175, 181, 182,	196
197, 204, 211, 212, 219, 229, 236, 243, 244, 258,	263
264, 265, 272, 280, 286, 293, 304, 305, 313, 321,	322
329, 338, 343, 354, 372, 378, 380, 390, 410, 436,	437
446, 456, 461, 469, 476, 515, 532, 543, 561,	575
resolution for appointment of select committee on, ..	45
46,	50
remonstrances against,	176, 258, 264, 280, 286, 292
293, 313, 343, 354, 380, 390, 399, 411, 412, 437,	448
461, 469, 476, 515,	533
(See Railroad freight.)	
Protestant Episcopal Church, act amending act for relief of corporation for relief of widows and children of clergymen of, ...	87, 93, 156, 166, 381, 398, 416, 472
act for incorporation of trustees of the parochial fund of, in diocese of New York, ..	827, 835, 841, 879, 922
Protestant Dutch Church. (See Reformed Protestant.)	
Protests, petitions for change of law in regard to,.....	80, 92, 127
Providence, Hartford and Fishkill railroad, petitions for aid to,	203
211, 250, 292,	329
Public works, bill to prohibit payment to employees on, in orders on stores,	48
Putnam county supervisors, resolutions of, relative to assessment of State Assessors,	128
Q.	
Quarantine, commissioners, report of,.....	72
resolution to print,	73, 76
resolution that, furnish to Senate copies of correspondence touching negotiations to obtain possession of Sandy Hook,	336
answer of,.....	393
act to provide for ascertaining damages caused by destruction of buildings at,...	57, 64, 172, 273, 337, 349
389, 391, 415, 757,	976
remonstrances against,.....	158, 197
resolution that Comptroller report amount paid for removal of,.....	155
report of,	253
resolution relative to papers relating to,.....	166

Quarantine, resolution that commissioners of emigration report	
amount of loss sustained by destruction of,.....	193
reply of,	265
remonstrance of N. Bennett against, law.....	197
Queens county, highways and bridges in, act to amend an act	
regulating,.....	856, 878, 891, 899, 973
superintendents of poor, act to repeal act relating to,	827
834, 851,	921
trout in, act for protection of,.....	651, 660, 693, 731
Questions of privilege, Mr. Spinola rose to,	173
Mr. Bell rose to, and sent a paper to the desk to be	
read,.....	389

R.

Railroad companies, (indexed by first name of road, as New	
York Central, Oswego and Syracuse, &c.)	
Railroad corporations, bill to amend act in relation to,...	260, 274
557, 723,	821
bill supplementary to an act to authorize the forma-	
tion of,.....	393, 434
freight, bill in relation to transportation of, on several	
railroads in this State, --	315, 540, 561, 570, 595, 602
603, 604, 916,	935
(See also Pro Rata.)	
mortgages, bill relating to foreclosure of,	500
tickets, act to prevent fraud in sale of, &c.,...	52, 58, 101
125, 136,	265
tolls, petitions for law imposing. -	47, 51, 65, 66, 74, 107
237, 263, 265, 321, 322, 329, 380, 411,	436
remonstrances against,.....	322, 352, 372, 476, 506, 822
bill to impose,...	117, 155, 167, 178, 210, 217, 242, 253
255, 278, 368, 369, 393, 394, 432, 433, 436, 442, 443	
445, 446, 450, 464, 508, 518, 526, 543, 646, 647, 655	
656, 692, 933, 934,	936
bill to repeal act to abolish tolls on, 44, 784, 805, 936,	938
communication from Governor. relative to, and State	
finances,.....	287
resolution to print,.....	303, 315
tolls, report of minority of select committee on, against	
imposing,.....	200, 369
Railroads, bill to amend act in relation to,.....	44
in cities, act to amend act relative to,.....	64, 98, 114
126,	134
in New York city. (See New York city.)	
Railway track in Westchester county. (See Westchester.)	
Rapelyea or Pelham Bridge. (See Westchester county super-	
visors.)	
Ravenswood, Hallett's Cove, and Williamsburgh turnpike, act	
to authorize construction of double railroad track on,...	556, 648
658, 677,	731

Reciprocity bank, act in relation to, . . .	665, 696, 804, 805, 821, 871
Red books, resolutions to furnish,	39, 46, 216, 226, 249, 269
Reformed Protestant Dutch church, board of missions of, act to incorporate,	315, 504, 574, 578, 596
Regents of the University, annual report of,	102
resolution to print,	105, 116
communication from, in relation to Colonial History, . . .	613
report of, on State Cabinet of Natural History,	770
resolution to print,	835
Registry law, notice of bill to repeal,	7
bill to amend,	58
(See Voting.)	
Religious societies, act to amend act for incorporation of, &c., .	178
205, 214, 239, 354, 711, 712, 745, 830	
Rensselaer County Agricultural society, act to authorize to sell	
its real estate and change its name,	502, 544, 592, 630
640, 730	
Court of Sessions of, bill to enlarge powers,	239, 294
excise commissioners, resolution requesting, to report	
amount of excise money received for 1859,	488
report of,	685
Lunatic Asylum, act relating to insane patients in, . .	639
654, 655, 678, 731	
poor, act relating to support of,	554, 699, 738, 755
844, 920	
supervisors, act to authorize, to audit bills for repairs	
on county buildings,	43, 58, 146
taxes, act to legalize State and County, of, and to au-	
thorize sale of lands in Troy for unpaid,	688, 699
733, 831	
treasurer, act in relation to,	274, 306, 479, 485, 490
495, 806, 870	
Rensselaerville and Westerlo, form insurance company in. (See Insurance.)	
Rent, bill for recovery of. (See Revised Statutes to amend for recovery of rent, &c.)	
Rescue Fire Engine company, in Tarrytown. (See Tarrytown.)	
Reservation Central Plankroad, act in relation to,	775, 780
810, 870	
Resolution authorizing Lieut. Governor to appoint remaining	
officers not provided for by election,	5
for committee to wait upon Governor,	5
for committee to wait upon Assembly,	6
that Clerk invite clergymen of Albany to open ses-	
sions with prayer,	6
for payment of postage,	6
to furnish civil list,	6, 38, 503, 539
that joint rules be in force,	6, 38
to print extra copies of reports. (See Printing.)	
joint resolutions. (See Joint resolutions.)	

Resolution that documents be trimmed and bound as last year,	38
for executive sessions,.....	41, 737, 954
to refer Governor's message to committee of the whole,	38
to amend Constitution. (See Constitution.)	
to procure diagrams,.....	45, 104, 590
to furnish Red Books,.....	39, 46, 216, 226, 249, 269
to appoint C. S. Babcock, 2d assistant sergeant-at-arms,	48, 55, 60
for select committee on pro rata freight law, ..	39, 45, 50
relative to papers of J. S. Kellogg,	49
that Clerk request treasurers of cities and counties in this State to report expense of election of November, 1859,.....	55
for committee to revise rules of Senate,.....	54
to procure Revised Statutes,.....	69, 282
relative to papers of New York Academy of Music, ..	111
that Auditor of Canal Department present amount of tolls received on Champlain canal and Glens Falls feeder,	119
to furnish pages with stationery,	124, 129
that Attorney General report as to constitutionality of act relative to supervisors of New York,	124, 177
to procure copies of Code of Procedure,.....	125
that committee on printing report amount audited and paid for legislative printing,.....	142
that committee on public expenditures investigate and report amount allowed and expended for stationery for Legislature and public officers of the State, 143,	563
that Senate meet on Tuesday and Thursday evening, for consideration of general orders,.....	151
for adjournments. (See Adjournments.)	
that Comptroller furnish Senate with statement of expenses for removing Quarantine,	155
relative to papers for steam ferry between Albany and Troy,	155
that Executive sessions be held with open doors, 155,	962
relative to papers of Noone and Fitzgerald,.....	163
relative to papers of J. Blackwell,	163
to print copies of Legislative Council, from 1691 to 1776,	163
to take from files papers relative to Quarantine,	166
relative to papers of Elias Gilman,.....	171
that committees having in charge nominations for harbor masters and port wardens have power to send for persons and papers,.....	172
that commissioners of emigration report amount of loss, etc., growing out of destruction of Quarantine,	193
that commissioners of excise of New York report amount of money received for 1859,.....	193
to refer papers of S. A. Dakin and Lyman B. Smith, ..	216

Resolution, that Comptroller report net revenue of Onondaga Salt Springs from 1707 to 1860,	217
for select committee to investigate proceedings, &c. of New York excise commissioners,	252
that Secretary of State report number of pamphlet edition of election laws in his office, etc.,	282
that President of Senate appoint two additional mem- bers to committee on engrossed bills,	310
that Senate meet at 10 o'clock,	310
to refer all applications for New York city railroads to Senators from New York city,	317
that New York Central Park commissioners report an- swers to certain interrogatories,	335, 336
that Quarantine commissioners furnish Senate copies of correspondence connected with efforts to obtain possession of Sandy Hook,	336
that Secretary of State cause laws relating to high- ways, bridges and ferries to be printed in pamphlet form,	339, 539, 704, 717
that Comptroller report amount paid for publication of State canvass for years 1855-6-7-8 and 9,	340
requesting opinion of Attorney General as to right of Legislature to declare streams not navigable a pub- lic highway, etc.,	370
requesting opinion of Attorney General as to liability of State to pay damages caused by raising embank- ment to new bridges on enlarged canal,	370
to refer papers of Gertrude C. Doe,	396
to proceed to election of Superintendent of Public In- struction,	468, 486
to hold evening sessions,	469, 486, 577
that committee appointed to investigate proceedings of New York excise commissioners have power to sit during the recess,	485, 825
that excise commissioners of New York and Rensse- laer counties report amount of moneys received for 1859,	488
for committee of eight, to report bills proper to be re- ferred to report complete,	531
for committee to investigate charges against governors of New York Almshouse,	561, 571
that no Senator be allowed to speak more than twice on same subject,	577
that commissioners of land office furnish information relative to claim of G. C. Doe,	631
to add to Senate rules, one for previous question, ...	692
to print maps and profiles accompanying report of State Engineer,	693, 755
that morning sessions commence at 9 o'clock,	771

Resolution that Superintendent of Public Instruction obtain list of books in public school libraries, &c.,	823
for evening session to consider Assembly bills,	841
to suspend rule so that bills may be read as soon as reported,	850
to purchase "Street's Council of Revision,"	883
for select committee to examine affairs, &c. of New York Central Park,	898
that legislative printer forward laws, &c. to deputy clerks,	932
that Superintendent of Public Instruction prepare code of school laws,	968
to print journal of Legislative council,	977
Revised Statutes, act to amend in relation to division fences, ..	52
59, 94, 163, 166,	869
bill to amend, for recovery of rent and demised pre- mises, 53, 59, 62, 69, 238, 246, 318, 375, 378, 381,	382
report of committee on,	246
resolution to print,	248, 251
bill to amend section 15, title 6, chapter 1, part 4, concerning trespasses,	67, 148, 183
resolution directing clerk to furnish,	69, 282
bill to amend chapter 2, part 4 of,	83
bill to amend, in relation to security for costs, ...	87, 182
	209
bill to amend, in relation to punishment of crimes, ..	96
bill to amend, relative to limited partnerships, ...	118, 447
acts to amend section 37, article 2, title 4, chapter 2, part 4, entitled "Of indictments and proceedings thereon,"	352, 355, 440, 442, 772, 776, 869, 899
	901, 973
bill to amend section 64, title 4, chapter 6, relative to suits against heirs and devisees, ...	131, 142, 161, 547
	548, 551
bill to amend section 3, title 15, chapter 8, part 3d of, in relation to publication of legal notices, 131, 141,	261
	270, 271
bill to amend article 2d, title 3d, chapter 6, of the 2d part,	205, 246, 352, 358, 365
bill to amend section 24, title 3, chapter 13, of part 1 of,	220, 251, 590
bill to amend, in relation to Attorney General's office,	230
	447, 467
petition to amend, in relation to laying out new roads,	236
bill to amend, relative to mock auctions,	238
bill to amend, for incorporation of companies to con- struct plank and turnpike roads,	247, 438
bill to amend chapter 16, article 4, section 93, rela- tive to opening highways,	266, 314

Revised Statutes, bill to amend section 75, article 2, title 1, chapter 1, part 2d of,.....	281, 297, 431, 581, 590, 596 598
act to amend section 7, title 1, chapter 7, part 2 of, -	320
	392, 592, 702, 732, 871
petition to amend, relative to disorderly persons,....	329
bill to amend, relative to treasurers' bonds,.....	337, 339
	405, 418, 423
bill to amend, in relation to powers of county judges in case of appeal to Court of Sessions,....	337, 339, 407 419, 424
bill to amend, in relation to cattle running at large, -	340
	373, 557, 560, 564, 569
act to amend section 22, article 2, title 5, chapter 6, of the 3d part of,.....	400, 413, 610, 619, 729
bill to amend article 2, title 3, chapter 6, of part 2d of,	414, 447
bill to amend, in relation to penalties for violation of election laws,	439, 461, 592, 607, 613, 620
bill to amend section 1, title 6, chap. 20, of 1st part of,.....	445, 708, 574, 581, 585
acts to amend title 8, chapter 8, part 3, entitled "Of proceedings for collection of demands against ships and vessels,".....	607, 629, 648, 649, 676, 732, 935 964, 975
bill to authorize publication of, -	663, 695, 711, 791, 795 803, 906, 918
act to amend, in respect to county clerks and clerks of courts of record,	664, 701, 738, 756, 790, 869
act to amend, in relation to laying out roads in towns of Northcastle, Bedford and Lewisborough. (See Northcastle.)	
bill to amend article 3, chap. 5, title 1, part 2 of, en- titled "Of voluntary assignments made pursuant to the application of an insolvent debtor to his creditors,"	906
Revolutionary army, officers of, resolution requesting Senators and Representatives in Congress to vote for settlement and payment of half pay which was promised by Continental Congress to,.....	344, 383
Rhinebeck Savings Bank, act to incorporate,...	741, 755, 785, 872
Richmond county, bill authorizing supervisors of, to raise money for benefit of militia,.....	82, 95
remonstrance of supervisors of, against Quarantine bill,	158
jail, bill to provide for erection of,	324, 330
petition for,.....	354
supervisors, act to authorize to pay certain claims against said county, 410, 456, 460, 464, 467, 486, 542	
remonstrances against new town in,	578, 707

Richmond County Excelsior Bucket company, No. 1, act to incorporate,	705, 715, 747, 830
Ridgeway, act authorizing trustees of school district No. 12 in, to raise money by tax,	88, 93, 105, 110, 146
act amending act to authorize school district No. 12, in, to raise money by tax,	501, 508, 522, 627
Riverhead, Sag Harbor and Greenport ferry, act to authorize establishing between,	324, 429, 430
Roads, bill to amend act in relation to laying out private,	152, 161
176, 304, 307, 309, 938, 963,	975
petition to amend Revised Statutes relative to laying out new,	236
act to amend chapter 100, laws of 1858, relating to,	478
487, 503, 534,	537
from Parishville to Long Lake. (See Parishville)	
from Branch Pond, McComb's purchase, to Upper Saranac, in Franklin county,	664, 696, 710, 713, 746
830	
act to amend and continue act for laying out, from Pierrepont to Carthage,	664, 696, 711, 713, 747, 829
Roads and bridges, act to amend act to authorize towns to raise increased amount of money for support of,	705, 758, 803, 804
819,	871
Roberts, M. M., petition of for relief,	175, 579
bill for relief of,	177, 187
Rochester, academy of music and art, act to incorporate,	896, 909
910,	973
charter of, act to amend,	285, 340
common council of, act to authorize to raise \$10,000, for use of public schools,	639, 644, 648, 676, 757, 830
Firemen's Benevolent Association, act amending charter of,	87, 88, 306, 326, 332, 395, 472
act to authorize city of, to sell stock Genesee Valley railroad,	896, 899, 900, 973
overseer of poor of, act relating to,	400, 485, 544, 551
690,	709, 730
police justice of, act requiring to report annually to supervisors of Monroe county,	710, 715, 738, 755
786,	872
taxes in, act in relation to collection of,	266, 306, 404
436,	442, 806, 870
Rockland county excise commissioners, petition from, for law requiring excise money collected by them to be paid to superintendents of the poor,	305
Savings bank, act to incorporate,	638, 648, 676, 757, 830
Rome, town of, act authorizing levying tax on, to build poor-house in,	221, 228, 233, 234, 237, 283
act in relation to overseer of poor of,	395, 413, 471, 474
477,	483

Rome, village of, act to provide for payment of principal and interest of bonds issued to Ogdensburgh, Clayton and Rome railroad,	684, 701, 726, 872
Rose Beneficent Association of New York city, act to incorporate,	778, 801, 868
Juvenile Association in New York, bill to incorporate,	636
	653, 662, 686
Rose, L. L., appointed deputy clerk,	45
Rowley, Wm. C. (See Billinghamurst, Henry.)	
Rules of Senate, to be in force until otherwise ordered,	6
resolution for committee to revise,	54
appointment of,	60
report of,	67
notice to suspend 17th, 24th and 26th,	340
notice to suspend 26th,	462
26th, suspended,	531
resolution to amend, so as to order previous question,	692
resolution to suspend, so that bills may be read as soon as reported,	850
Rules, joint, of Senate and Assembly,	6, 38, 57
resolution to suspend 20th,	770, 778
Rumpler, Gabriel, act in relation to certain real estate held by,	312
	314, 353, 383
Rural Cemetery Associations, act to amend act authorizing incorporation of,	171, 315, 330, 405, 436, 443, 669, 684, 729
Russell, Hannah, bill for relief of,	896
Russell, Thomas V., bill to confirm election of, as district attorney of St. Lawrence county,	395, 401, 447, 487, 488, 490
	495, 800

S.

Sacandaga river, State bridge across, bill authorizing further appropriation to aid in constructing,	664, 687
Sacketts Harbor, Ellisburgh, Rome and New York railroad, act to facilitate organization of, and reduce capital stock, ..	827, 834
	843, 920
Sag Harbor and Greenport ferry, petition for,	354
act establishing,	236, 324, 354, 429, 430, 436, 444
	782, 801, 870
and Riverhead ferry. (See Ferry.)	
Savings bank, act to incorporate,	663, 704, 734, 800, 871
Salem, act to amend act incorporating village of, ...	652, 655, 659
	680, 771, 831
Salina, school district No. 1, petition of inhabitants of, to make free school,	280
act to constitute,	329, 405, 418, 421, 708, 828
Salt, bill to raise duty on,	43
petitions for increase of duties on,	127, 140, 145, 263
Salt Springs of Montezuma. (See Montezuma.)	

Salt Springs, act to amend act concerning, and manufacture of salt,-----	37, 44, 107, 150, 154, 792, 801,	869
resolution to print report of superintendent of,---	90,	94
resolution that Comptroller furnish net revenue of Onondaga, from 1797 to 1860,-----		217
report of, -----		428
Salt Springs and manufacture of salt, bill to amend act concerning, -----		233
Sandy Hill, act relative to highways in village of,---	545, 548,	574
	575,	628
remonstrance against,-----		547
Savings banks deposits, bill relative to unclaimed,---	38, 96,	183
	271, 304, 475, 477, 481,	482
resolution to print report of Superintendent of Bank Department relative to,-----		278, 296
Savings banks and savings institutions, indexed by first name of, (as Chenango county, Corning, &c.)		
Sayres, Joseph, act for relief of widow and children of,---	165,	294
	402, 418, 420, 771,	831
Sayre, Mathew and Willis B., petition of, for canal damages,--		70
		579
Schenectady, city of, act to define boundaries and to erect additional ward in,-----	355, 364, 374,	408
petition for repeal of,-----		446
remonstrance against repeal of,-----	515,	777
Schermerhorn, George, appointed page, -----		45
Schoharie Turnpike road company, act to repeal act for relief western ten miles of,---	52, 58, 259, 396, 397, 400,	415
	492, 808,	922
remonstrance against,-----		164
Schoharie Valley Stock Growers' Association, act to incorporate		740
	761, 772, 779, 809,	871
School commissioners, petitions for law abolishing office of,---		250
	258,	272
report of committee on, -----		281
common, act to appropriate State tax to. (See State Tax.)		
district lines, act requiring to be definitely described and recorded,--	332, 381, 609, 611, 613, 617, 964,	974
houses, act to provide for more effectual insurance of,		706
	722, 803, 805, 821,	871
juvenile reformatory, bill to authorize incorporation of,-----		205
laws, resolution for commission to codify,-----		65
laws, resolution that Superintendent of Public Instruction prepare code of,-----		968
libraries, resolution directing Superintendent of Public Instruction to obtain list of books in,-----		823
Schools in Bath. (See Bath.)		
Lyons. (See Lyons.)		

Schools in Mentz. (See Mentz.)	
New York. (See New York.)	
Niagara. (See Niagara.)	
Ridgeway. (See Ridgeway.)	
Salina. (See Salina.)	
Shelby. (See Shelby.)	
Syracuse. (See Syracuse.)	
Schuyler county, act declaring and confirming location of county buildings of,	422, 544, 546, 557, 566, 602, 627
Scofield, Mary McKinley, petition to change name of,	66
bill for,	83, 105, 108, 109, 971
Secretary of State, resolution requesting, to report number of of pamphlet edition of election laws in his office,	282
report of,	325
to cause all laws relating to highways, bridges and ferries, to be printed in pamphlet form, &c.,	339, 539
	704, 717
Select committees. (See Committees.)	
Senate Chamber, resolution to have desks, &c. altered,	832, 838
Senate, resolution to meet on Tuesday and Thursday evenings, for consideration of general orders,	151
resolution to meet at 10 A. M.,	310
resolution to meet at 9 A. M.,	771
resolutions for evening sessions,	469, 486, 577, 841
Senators, list of, elected,	1
to have laws and documents forwarded to,	919
resolution not to speak more than ten minutes, &c.,	577
Seneca county, supervisors, petition of, relative to confinement of insane persons,	37
taxes in, bill to extend time for collection of,	108, 115
Seneca Falls, act amending charter of village of,	344, 357, 397
	400, 421, 528, 542
Seneca Indians, petition of, for repeal of allotment laws. (See Indians.)	
Seneca river, bill for removal of obstructions from channel of,	607
	761
Sergeant-at-arms, election of,	4
Sessions, L. B., appointed deputy clerk,	45
Seventh Regiment National Guards. (See National Guards.)	
Shafer, Peter P., petition for relief of,	204
Shea's Lane in Westfield, act to alter. (See Westfield.)	
Shelby, school district No. 12 in, acts authorizing trustees of, to raise money by tax,	88, 93, 105, 110, 146, 501, 508, 522, 627
Sheriffs' fees, bill in relation to, and of service of papers by,	260
bill to fix, for transporting convicts to State Prisons,	439
Ships and vessels, acts to amend Revised Statutes concerning demands against,	607, 629, 648, 649, 676, 732, 925, 964, 975
Side walks along highways. (See Highways.)	
Sing Sing Female Prison, act to increase compensation of assistant matrons of,	118, 159, 228, 234, 237, 240, 964, 974

Sing Sing State Prison, bill for supplying with water from Croton Aqueduct,.....	53, 246
act to authorize agent and warden of, to sell certain lands,.....	141, 147, 180, 192, 235
petition of Croton Aqueduct board, for payment of water furnished to,	197
bill providing for assessment of amount to be paid for Croton water used at,....	350, 381, 396, 429, 459, 460
	498, 529, 544, 548, 550, 560, 599
Skaneateles, village of, act to amend act to condense and amend several acts incorporating,.....	503, 563, 579, 599, 628
Skinner, Samuel, act for relief of,	663, 723, 778, 841, 843
	885, 972
Slave hunting, petitions for law to prevent,.....	181, 250, 280
Slaves, petition of citizens in favor of law guaranteeing to Southern men the right to stay in this State nine months with their slaves,	244, 262
Sleeper, James, petition of. (See Delano, A. S.)	
Smith Lyceum, at Canastota, bill to incorporate,	856
Smith, Lyman, resolution relative to papers of,	216
Societies, benevolent, charitable, religious, bill to allow members of, to vote by proxy, ..	40, 64, 220, 237, 342, 344
	375, 382, 427, 432, 440, 444, 449, 466
bill to repeal sec. 5, chap. 319, Laws of 1848, incorporating,	661
act to amend act for incorporation of, ..	651, 672, 685, 704
	735, 737, 742, 830
Sodus Bay, petitions for bridge across, ..	51, 65, 74, 81, 85, 93, 100
	106, 112, 122, 152, 158, 164, 175, 197, 219, 286
bill for,	76, 259, 402, 418, 419, 851
Sodus Point and Southern railroad, act to extend time for finishing,	118, 119, 140, 228, 229, 232, 808, 869
Son, B. A., petition of. (See Pierce, Horace.)	
Southfield, town of, act to authorize purchase of site for town-house, and maintain a jail or lock-up in,....	394, 437
	500, 504, 521, 543
remonstrance against,	660
act to make separate road districts of 2d and 3d election districts,.....	663, 815, 845, 877, 924
Southhold, remonstrance from, against proposed law for purchase of real estate for town purposes,	237
Southhold Savings bank, act to amend act to incorporate, ..	707, 717
	785, 872
Southhold, town of, act creating additional officers in,....	331, 373
	513, 520, 543
South Side Railroad company, bill granting certain privileges to,	934
South Western Mining and Land company, act to incorporate, ..	651
	661, 662, 701, 727, 840, 872
Sparkill, act to build bridge across, 38, 41, 63, 74, 75, 77, 172, ..	179

Spaulding, H. D., petition of. (See Delano, A. S.)	
Special sessions, courts of. (See Courts.)	
Spencer, N. D., resolution to appoint, to attend to filing of bills, &c.,.....	48, 55
Spring Forest Cemetery Association, act to provide for election of trustees of,.....	740, 758, 772, 794, 871
Stanford, act to amend act to provide for draining swamp and low lands in town of,.....	741, 756, 788, 871
Stannard, Mrs. Anna E., act for relief of,.....	739, 760, 773, 814
State Agricultural Society, invitation from,.....	186
resolution to print Transactions of,.....	792, 823, 836, 860
State Assessors, resolution to print report of,.....	64, 66
memorial of supervisors of Oneida county, as to inequality of assessments of,.....	93
State board of claims, bill to provide for,.....	187, 374, 498, 529
State Cabinet of Natural History, report of Regents of University relative to,.....	770
resolution to print,.....	835
State canvass, bill to diminish expense of publication of,.....	274
resolution that Comptroller report amount paid for publishing, &c.,.....	281, 459
report of,.....	340
State debt, act making appropriations for payment of interest on,.....	428
(See Canals.)	
State Engineer and Surveyor, report of, relative to extension of Chenango canal,.....	52
resolution to print,.....	54, 57, 78
resolution to print annual report of, on canals,.....	78, 82
do do do on railroads,.....	346, 364
resolution to print maps and profiles accompanying report of,.....	693, 755
resolution to print report of, on companies navigating lakes and rivers,.....	822, 834
State lands, bill to amend act providing for sale of certain lands belonging to,.....	828
bill authorizing sale of, in New York city. (See New York, corporation of.)	
State Library, report of joint library committee on condition of,.....	455
report of trustees of,.....	642
State Lunatic Asylum, report of managers of,.....	186
resolution to print,.....	193, 212
act to amend act to organize,.....	187, 200, 258, 402, 418
.....	420, 964, 974
bill for removal of insane convicts from Utica to Auburn asylum,.....	545, 548, 629, 638, 641
State Medical Society, petition of, for law to provide for general vaccination,.....	219
resolution to print report of,.....	303, 314

State Normal School, invitation to attend closing exercises of, ..	166
State Prison Inspectors, resolution to print report of,	178, 185
bill defining duties of,	315, 323
resolution that, may extend contract for manufacture of nails at Clinton prison,	825
State prisons, bill concerning persons confined in, and punish- ment of crimes,	265, 286, 311, 314, 316
act to amend several acts in relation to, ...	297, 316, 381
647, 656, 680, 697, 714, 716, 732, 734, 859, 897,	923
act authorizing reports of male and female, to be made separately,	439, 474, 609, 610, 613, 619, 808, 869
bill to fix fees of sheriffs transporting convicts to, ...	439
bill in relation to attempts to escape by convicts, ...	439
474, 557, 563, 581, 582	
at Clinton. (See Clinton.)	
at Sing Sing. (See Sing Sing.)	
State tax, notice of bill to amend act to equalize,	7
bill to repeal act to equalize,	41, 67
petition for act to amend the law equalizing,	120
resolution to refer to select committee,	120
appointment of committee,	126
act to appropriate proceeds of, for schools, ..	186, 199, 235
Stationery, legislative, act in relation to, ...	491, 574, 578, 599, 625
resolution that committee on public expenditures, re- port amount allowed and expended, for Legislature and public offices,	143
report of,	563
Steamboat landing, petitions for removal of,	71, 107
remonstrances against,	180, 181, 182, 196, 204, 211
250, 264, 280	
Steamboat lines, bill to amend act regulating use of wharves and slips leased to,	58, 118
Steamboat piers in New York, bill for better protection of, ...	455
531, 629, 638, 645	
Steamboats and steamships, act to prevent fraud in sale of tick- ets on,	52, 58, 102, 125, 136, 265, 347, 358, 359, 379, 385
498, 542	
Steam boilers, inspection of, in New York and Brooklyn, act to provide for,	671, 700, 744, 800
Sternbergh, Wm., petition of, for law authorizing re-hearing of his claim,	51
Steuben county, petition of supervisors of, for new county from, remonstrances against any division of,	145, 263
Steuben Monument Association, act to incorporate, ...	571, 592, 636
673, 969, 971, 976	
Stillwater, act to amend act incorporating village of,	220, 295
403, 422, 472	
bill to amend act to provide for construction of cul- vert under Champlan canal at,	807, 818
Stilwell, Silas M., petition of, for law to compel citizens to vote, ..	37

Stirling, Free Will Baptist Church in. (See Wolcott.)	
Stocks, bill to prevent frauds in transfer of,...	148, 160, 304, 307
	308, 326, 532
Stockholders, bill for protection of,	148, 160, 304, 307, 308
	326, 532
St. John's College at Fordham, bill to relieve from taxation, ..	370
St. Lawrence county treasurer, act in relation to fees of, ..	8, 54, 66
	81, 84, 119, 146
St. Mary's Church of Redemptorist, of Buffalo. (See Buffalo.)	
St. Regis Indians. (See Indians.)	
river, act declaring easterly branch of, public high-	
way,	740, 758, 792, 796, 817, 852, 923
St. Stephen's College, act to incorporate, ...	196, 179, 256, 262, 269
	471, 542
act to amend charter of,	575, 627
Street's Council of Revision, resolutions to purchase,	883, 917
	962, 968, 978
Strong, Philip A., act confirming rights of assignees of, to ferry	
across Chautauqua lake,	470, 474, 592, 593, 598, 628
Stuyvesant, town of, act to divide into two election districts, ..	320
	341
Suffolk county, brook trout in, act for protection of,	651, 660
	693, 731
highways and bridges in, act to amend act regulating,	856
	878, 891, 899, 972
Society, act to incorporate, ...	96, 115, 167, 209, 222, 239
	738, 869
Suffrage, bill for ascertaining by proper proofs citizens who	
shall be entitled to right of,	478, 702
Sullivan county poorhouse, act to amend act authorizing sale	
of,	732, 737, 897, 923
Sunday, remonstrance against repeal of Sunday laws,	506
act to preserve the public peace and order on, ...	515, 528
	529, 534, 535, 536, 586, 969, 971, 976
Superintendent Bank Department. (See Bank Superintendent.)	
Superintendent Insurance Department. (See Insurance.)	
Superintendent of Public Instruction, to be one of commission	
to collate and codify school laws,	65
resolution to print report of,	172, 185, 226
resolution to proceed to election of,	468, 486
election of,	644
resolution directing to obtain from trustees of school	
districts a list of books in school libraries,	823
resolution directing to prepare code of school laws, ..	968
Supervisors, bill to confer full power of local legislation on, ..	40, 53
petition for repeal of law giving right to appeal from	
decisions of boards of, in equalization of assess-	
ments,	322
bill to regulate compensation of, for distributing pub-	
lic school moneys,	510, 533, 609, 611, 621, 817

Tennessee Legislature, communications from Governor and resolutions relative to visit of,.....	129, 132, 145, 146
Terwilliger, James, elected clerk,	4
resolution of thanks to,.....	917
Testimony in certain cases, act to provide for taking,.....	131, 132, 147
	180, 184, 191, 582, 729
Throop and Montezuma, bill to amend act to erect towns of, and to reorganize town of Mentz,	511, 512, 517, 524
Tickets on railroads and steamboats. (See Railroads and Steamboats.)	
Tolls on canals. (See Canals.)	
Tolls on coal, petition in relation to,.....	477
Tolls on railroads. (See Railroads.)	
Tompkinsville, Neptune Engine company No. 6 in, act to incorporate,.....	706, 716, 747, 831
Tonawanda Indians. (See Indians.)	
village, bill to amend act for incorporation of,	532
Tonnele, John, act relative to lands devised by, ..	932, 935, 971, 976
Town accounts, bill in relation to auditing of,.....	274, 374, 434
auditors, bill to confer additional authority on,....	37, 54
	57, 70, 73, 84, 87, 89
auditors, bill to provide for election of,....	274, 374, 434
Insurance companies, bill to incorporate,.....	118, 124
Insurance companies, act to amend act to authorize formation of,	502, 516, 592, 595, 617, 729
officers, act to amend act for election of, other than, ..	109
	171, 311, 318, 532, 534, 537, 964, 965
Towns, act to amend act to authorize, to raise increased amount for support of roads and bridges,....	705, 758, 803, 804, 819, 871
Transit Life Insurance company, act to incorporate, ..	252, 379, 432
	440, 462, 858, 877, 922
Travelers' Insurance company, bill to incorporate,.....	118, 124
Treasurers' bonds, amend Revised Statutes relative to,....	337, 339
	405, 418, 423
Trespasses, bill to amend Revised Statutes concerning,....	148, 183
Troy city, common council of, act authorizing to convey to State, site for Regimental Armory, ..	177, 185, 271, 283
	318, 332, 408
Manufacturers' Savings bank, act to amend act incorporating,.....	475, 477, 492, 543
Mutual Savings bank, act to amend act incorporating, ..	475
	477, 492, 543
taxes in, act to authorize sale of lands for unpaid county taxes in,.....	688, 699, 733, 831
bill to annex lands of Wm. Gary to school district in, ..	102
	109, 116, 156, 163, 165, 461
Trustees, bill to make better provision for punishment of, intrusted with property,.....	403, 431, 552, 564, 565
Turnpike road, Catskill and Mountain House. (See Catskill.)	

Turnpike road, Columbia Union. (See Union.)	
of Schoharie. (See Schoharie.)	
of Watervleit. (See Watervleit.)	
Turnpike roads, bill to amend Revised Statutes relative to in-	
corporation of companies constructing,-----	247, 438
bill to amend act in relation to, ..	479, 575
Turnverein in Morrisania. (See Morrisania.)	
in New York. (See New York.)	
Tuttle, Harry, act for relief of,-----	828, 832, 848, 920
U.	
Ulster county, act to authorize lateral plankroads in, 123, 175,	255
	266, 279
bill for relief of commissioners' appointed to drain	
Great Bennewater Swamp in, . 344, 355, 407, 573,	580
	584
Ulster and Delaware Plankroad company, bill for relief of,---	187
	260
Unadilla, village of, act to encourage construction of side walks	
in,-----	740, 781, 807, 844, 920
Union Savings Bank of Batavia. (See Batavia.)	
Union, town of, bill to change name of,-----	665, 699, 710, 722
remonstrance against,-----	711
Union Turnpike company, in Columbia county, act to allow, to	
abandon a portion of their road,---	556, 562, 574, 575, 588, 729
Unionvale, town of, petition for better support of poor in, ---	353
Union village, act to amend charter of,-----	739, 773, 796, 872
University of New York, act in reference to, ..	638, 656, 659, 660
	695, 731
United States, act authorizing city of New York to sell lands to.	
(See New York city, corporation of.)	
Unsafe buildings in New York. (See New York.)	
Usury laws, bill to abolish,-----	52
Utica city, charter of, act to amend,-----	332, 379, 383, 395, 408
floating debt of, bill to authorize common council to	
fund,-----	545
remonstrances against,-----	548, 608, 653
Savings bank, act to amend act incorporating,--	265, 281
	312, 405, 418, 420, 965, 974
Steam Woolen mills, petition of,-----	39
bill for relief of,-----	225, 303, 307, 308
V.	
Vaccination, petition for law to provide for general,-----	219
act to encourage throughout the State,----	307, 402, 403
	419, 421, 926, 973
Valatie, act to amend act incorporating village of,-----	652, 659
	678, 731
Van Cortlandt, Augustus, act relative to lands devised by, 580,	591
	614, 729
Vanderlip, Charles, appointed bank messenger,-----	45

Van Dyck, H. H., elected Superintendent of Public Instruction,	644
invitation from, to attend exercises of State Normal school,	166
Velkel, Joseph, and Margaret Zapf, act for relief of, ..	707, 710, 738
	756, 789, 869
Virgil, act authorizing supervisor to sell land. (See Lapeer.)	
Volney, act authorizing Canal Commissioners to pay for construction of bridge across Oswego canal, in town of, ...	664, 672
	722, 806, 826, 847, 897, 972
Volunteers' Burial and Monument Association, bill to incorporate,	879
Voting, bill to prevent fraudulent, and to ascertain by proper proofs citizens who are entitled to right of suffrage,	478, 702

W.

Wager, Prometheus Benjamin, bill to change name of,	665, 701
	711, 736
Wallabout bay, bill to erect tomb to American prisoners, who died on board prison ships in,	44, 178, 238
Walsh's improved gas burner, clerk directed to procure,	473
Walter, Casper, elected doorkeeper,	5
Walton, act to legalize election and confirm acts of, officers of, ..	740
	760, 779, 781, 812, 871
Warren, Essex and Hamilton, act in relation to certain highway taxes in,	802, 813, 844, 920
Warren and Hamilton county road, act to revive act to provide for laying out,	803, 813, 818, 871
Warren, Jacob, act for relief of, ..	664, 760, 907, 908, 909, 911, 972
Warsaw, act to amend acts relating to village of,	221, 296, 401
Washington Insurance company, act to incorporate, ..	639, 704, 711
	713, 733, 831
Watertown, bridge over Black river in. (See Black river.)	
police justice, petition for law creating office of,	51
act for election of, ..	53, 58, 116, 156, 159, 162, 242, 283
Watertown and Rome railroad, bill to impose tolls on,	117, 156
	167, 178, 210, 217, 242, 253
act to amend charter of,	323, 332, 343, 385, 517, 571
	581, 583, 801, 869
Watervleit, bill to annex part of town of, to city of Albany, ...	187
	206
Turnpike company, bill authorizing, to lay rails for horse railroad from Albany to West Troy,	177, 206
Wayland, remonstrance of supervisor and town clerk of town of, against any division of said town,	607
Wayne county, supervisors, resolution of, relative to canal policy and railroad management,	52
surrogate's office, bill in relation to,	52, 59, 159
Westchester county, constables, act to authorize supervisors to increase compensation of,	863, 879, 891, 973
highways in, petition in relation to laying out,	411

Westchester county, lands of non-residents in, act in relation to sale of,.....	57, 103, 129, 168, 184, 191, 965,	974
railways, act to authorize construction of, in towns of,	450, 473, 474, 480,	542
supervisors, act authorizing board of, to purchase Rapelyea or Pelham bridge,...	223, 170, 235, 237,	248
	692,	730
supervisors, act to build bridge across Croton river,...	176, 228, 229, 233, 801,	869
Westchester creek, bill to amend chapter 701, laws of 1857, relative to improvement of,.....	311, 338, 410, 411, 418,	425
Westchester, town of, act authorizing raising of money by tax, for building town house in,.....	393, 414,	472
act to authorize to build dock at end of new road on Eastchester bay, 456, 469, 528, 530, 534, 549, 709,	730	
petition for,		456
Westchester and West Farms, petition for division of Free School district No. 2 in,		237
remonstrance against,		272
Western House of Refuge, annual report of managers of,....		50
resolution to print,	55,	62
Western New York Agricultural, Horticultural, and Mechanical Society, act to incorporate,	776, 802, 819,	872
West Farms, act authorizing trustees of Free School district No. 2 in, to raise money to purchase site, etc., 122,	128	
	167, 210, 215,	234
petition for division of Free School district No. 2 in, ..		237
bill in relation to,	238,	722
West Farms and Morrisania, act authorizing to raise money to McAdamize certain public roads in,....	826, 833, 849, 964,	975
West Farms, railroad in. (See Westchester.)		
Westfield and Chautauqua Plankroad company, bill to repeal charter of,.....	479, 503,	534
Westfield and Clymer, and Westfield and Sherman Plankroad company, bill to repeal charter of,	608, 609,	626
Westfield Gas company, act to incorporate, 478, 487, 509, 653,	730	
Westfield, highways, act authorizing commissioners of, to alter Shea's Lane, in town of,.....	856, 878, 891, 899,	972
Weston, Helen Elizabeth, bill to change name of, ...	935, 941,	942
Wharfage, petition to regulate rates of, &c.,		7
act to regulate rates of,	130, 217, 255, 258, 268,	734
	757,	831
remonstrance against,		264
Wharves and slips, bill to amend act to regulate use of, ...	58,	118
Wheatland, act creating joint commission to fix boundary line between town of Caledonia and,	491,	543
Whipple, Squire, petition for compensation for use of his patent bridge,	39,	316
report of committee on,		213
bill for providing for settlement of claim of, ...		431

White Plains, bill to incorporate village of,....	274, 357, 412, 476
petitions for,.....	640, 711, 762, 826, 879
remonstrances against,.....	354, 476
Widows and children of clergymen of Protestant Episcopal Church, relief of. (See Protestant.)	354, 515
Wilcox, Wm., bill to pay for property taken for public use,	664, 759
Wilmarth and Morehouse, act in relation to highways between,	802
	815, 846, 920
Wilson, act to legalize incorporation of village of,--	400, 450, 473
	474, 480, 542
Williamsburgh, act to alter map of late village of,---	98, 114, 150
	296, 642, 716, 785, 872
petition for,.....	292
Williamsburgh Savings bank, bill to amend act incorporating,--	651
Wills, act relative to,-----	40, 48, 67, 84, 105, 111, 114, 119, 202
	809, 845, 921
Wills, bill to amend act relative to disputed,-----	7, 392, 552
Winkel, John A., act to confirm title to,-----	739, 756, 791, 869
Witnesses, act to compel attendance of, before committees of common council, &c.,.....	53, 59, 71, 91, 94, 96, 222
	229, 283
Wolcott, Free Will Baptist church in, act authorizing grant of half an acre of land to,-----	177, 306, 404, 413, 441, 472
Women, petitions for right of suffrage to, and the right to hold property, etc., --	250, 258, 263, 264, 273, 280, 293
(See Married Women.)	
Woodworth, Thomas F., act to amend act for relief of,....	98, 170
	218, 225, 283
Wooster, Chas. W., petition of, for canal damages,	151, 579
Wrecking company, coast in New York. (See Coast Wrecking.)	
Wright, Luther, act for relief of,....	141, 237, 320, 324, 374, 542

Y.

Yorcktown, bill to authorize commissioners of highways to purchase Peekskill turnpike. (See Peekskill.)	
Yonkers, board of education, act to enable, to dispose of school property,	439, 458, 485, 488, 490, 495, 964, 974
petition for,	437
act authorizing town of, to raise money to McAdamize the Albany Post road,-----	433, 459, 512, 530, 534
	549, 808, 869
petition for,	515
act to amend act to incorporate village of,--	709, 801, 816
	852, 921
Young's Lake, act for protection of proprietor in preservation of fish in,.....	664, 699, 738, 755, 788, 872
Yquatt Lyceum, act to amend act to incorporate, ...	501, 516, 558
	562, 583, 628

Z.

- Zapf, Margaret, and Joseph Velkel, act for relief of, 707, 710, 738
756, 789, 869
Zoological and Botanical Society, act to incorporate, 347, 357, 554
564, 565, 757

of, 707.
756.
ite, 347.
564.

